

# SHIRE OF KOJONUP



## Council Minutes

***15<sup>th</sup> March 2011***

**SHIRE OF KOJONUP****MINUTES FOR THE COUNCIL MEETING HELD ON 15<sup>th</sup> March 2011****TABLE OF CONTENTS**

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**SHIRE OF KOJONUP**

**MINUTES**

**1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS**

The Shire President declared the meeting opened at 3:00pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points and draw the meetings attention to the disclaimer below:

*Disclaimer*

*No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.*

*The Shire of Kojonup expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the meeting.*

*Where an application for an approval, a license or the like is discussed or determined during the meeting, the Shire warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the Shire.*

**2 ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE**

Cr Jill Mathwin  
Cr Jane Trethowan  
Cr Ian Pedler  
Cr Frank Pritchard  
Cr John Benn  
Cr Greg Marsh  
Cr Rosemary Hewson  
Cr Michael Baulch

Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mr Mort Wignall	Manager of Regulatory and Community Services
Mr Craig McVee	Works Manager
Mrs Heather Marland	Senior Finance Officer
Mr Craig Baru	Natural Resource & Sustainability Manager

Visitors	Mr Geoff Thorn
	Mrs Wendy Thorn
	Mr Derek Piesse
	Mr Roger Bilney
	Ms Sarah Rankin

**APOLOGIES**

Nil

*The Shire President welcomed all visitors in the Public Gallery.*

**3 PUBLIC QUESTION TIME**

Nil

**4 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**6 CONFIRMATION OF MINUTES**

ORDINARY MEETING 15<sup>th</sup> February 2011

Corrections:

**COUNCIL DECISION**

**22/11 MOVED Cr Hewson seconded Cr Pritchard that the Minutes of the Ordinary Meeting of Council held on 15<sup>th</sup> February 2011 be confirmed as a true record.**

**CARRIED 8/0**

**7 ANNOUNCEMENTS by the Presiding Member without discussion**

The Shire President acknowledged the contribution of Mr Craig Baru, Natural Resource and Sustainability Manager, congratulating him on his new appointment with South Coast NRM, and wished him every success on behalf of the Council.

*3:06pm Mr Craig Baru left the Chamber.*

**Regional Meetings**

8<sup>th</sup> March 2011 – The Shire President, Deputy Shire President and the Chief Executive Officer visited the Shire of Boyup Brook for a meeting between Boyup Brook and West Arthur representatives to discuss common issues and opportunities for continued resource sharing.

11<sup>th</sup> March 2011 – The Shire President and Chief Executive Officer attended a Business Breakfast with Hon Brendon Grylls MLA, Minister for Regional Development; Lands.

**8 PETITIONS, DEPUTATIONS & PRESENTATIONS**

Mr Roger Bilney read the following statement on the Flat Rocks Wind Farm proposal:

Roger Bilney's Address to the Kojonup Shire 15<sup>th</sup> March, 2011

Thank you for the opportunity to address you today, the implications of this planning application for our community are in my opinion the most significant that this shire has had to deal with in its history.

There are two points that are additional to my previous submission that I wish to speak to today

- Firstly that the current planning guidelines are not able to guarantee neighbours health and wellbeing.
- Secondly the fact that the National Health and Medical Research Councils document " **Wind Turbines and Health** " is publicly questioned by both Australian and overseas doctors as to its appropriateness.

•  
**My first point      Inadequate Planning Guidelines**

Submissions to the senate inquiry clearly reveal the chaos and conflict that wind farms are causing in many places both in Australia and overseas.

The submission by Carl and Samantha Stepnel who are large farmers from Ballarat is alarming. Eighteen months after the turbines began operating at Waubra their health had suffered to such an extent that they walked out of a home they built less than ten years earlier and moved into Ballarat. The house now like others in the area sits empty not able to be either rented or used as their workmans accommodation. The Stepnells have been invited to appear before the Senate inquiry and I enclose their submissions for you to read.

We should not forget that the Waubra wind farm (near Ballarat ) started operating in July 2009. In only 19 months, approximately 11 houses in the area have been vacated and 7 farms together with their houses have been bought by Acciona, the Spanish wind farm company.

We should also remind ourselves that one version of the proposed Flat Rocks wind farm has turbines 26 metres higher with blades 15 metres longer than what is operating at Waubra. The science of how these turbines are affecting people is not clear but what is clear is that the current planning guidelines are not able to guarantee the safety of neighbours. That is why we have a Senate Inquiry and that is why the Victorian Government is about to legislate a minimum 2km setback for residences from turbines.

**The question remains is that far enough?**

Dr Sarah Laurie in her submission to the senate stated

*Further independent research is urgently required, as some of these clinical effects are occurring at greater distances than previously described. Specifically, hypertension in conjunction with turbine operation has been reported up to 5km away, and body vibrations and nocturnal wakening in a panicked state up to 10km. ref. page 18. Laurie's submission to Senate Inquiry—no. 390*

*Dr Laurie has interviewed over 60 affected residents from wind developments in NSW (Cullerin, Crookwell and Capital), Victoria (Toora, Cape Bridgewater and Waubra ) and South Australia ( Mt Bryan and Waterloo).*

This makes me realize that this issue is not just about Waubra but about every resident living near wind farms in rural Australia.

Page 22 of her submission

*“The new national work health and safety laws are to be enacted this year, and will take effect from 1<sup>st</sup> January, 2012. In those new laws, there is a specific onus on individuals conducting a business to provide a safe workplace, and health is specifically described as including both physical and psychological health. This will further increase the pressure on farmers to “provide a safe workplace”, which it is clearly impossible for them to do if they are surrounded by wind turbines.”*

Taking into consideration all the above information it appears that many families in the Kojonup shire could be seriously affected if the proposed wind farm was to proceed.

My second point                      **The Document - Wind Turbines and Health**

I have said in my submission to your shire “The primary and fundamental responsibility of Federal, State & Local governments is to protect the health and well being of their citizens over whom they govern.”

These three levels of government take their advice and guidance, regarding health issues for wind farms, from the National Health and Medical Research Council document headed:

Wind Turbines and Health – A Rapid Review of the Evidence – July 2010.            11 page document.

In studying this document I raise the following points.

Page 2. Opening paragraph.

***“There are no direct pathological effects from wind farms and that any potential impact on humans can be minimised by following the existing planning guidelines”. This statement is supported by the 2009 expert review commissioned by The American and Canadian Wind Energy Associations.***

These two associations are not independent of the wind turbine industry and therefore there is a conflict of interest.

Furthermore I question their statement that ***“any potential impact on humans can be minimised by following existing planning guidelines”***. The current minimum setback for houses in WA is 800metres from turbines, whereas the Victorian Government is about to increase that to 2km. We know that as early as 2006, the French Academy of Medicine was advising that houses be setback 1.5km from 2.5 mw wind turbines. They also recommended an investigation into the possible medical effects of wind turbines. Furthermore we also know that at the end of 2009, the Japanese curtailed installations of wind farms and initiated a 4 year study on people living near turbines to understand the issue of cell damage in the human body due to low frequency noise exposure.

Page 5.

In summary the document uses 8 dot points to state that there is no reliable evidence that infrasound effects health, or no peer-reviewed scientific evidence that wind turbines have an adverse impact on human health.

The first dot point is supported by research carried out in 1995 – 15 years ago.

In another dot point - the research is done by the Canadian Wind Energy Association.

Two other dot points – the research is done by independent companies but prepared by and I suspect paid for by the American & Canadian Wind Energy Association.

Therefore one of the dot points is 15 year old research and another three dot points are supported by organisations with a conflict of interest.

My conclusions in evaluating the 8 dot points in their summary, 4 of the dot points ie. 50% of their argument is severely compromised.

Page 9, 10 & 11.

Of the 27 references in the document that identify their year of publication – dates range from 1986 to 2010. The average date of publication is year 2005. Therefore at the time of publication of The National Health and Medical Research Council document in July 2010, the average age of the references used was 5 years old. The age of the research references is relevant when one considers that in Australia, rural inland wind farms (ie. higher turbines using longer blades) have only been operating for 3 years or less.

Page 8. Conclusion

*“The health effects of many forms of renewable energy generation, such as wind farms, have not been assessed to the same extent as those from traditional sources. However, renewable energy generation is associated with few adverse health effects compared with the well documented health burdens of polluting forms of electricity generation.”*

It makes no sense to solve a problem by creating another and this conclusion would put considerable doubt into the minds of most Australians. It seems beyond belief that this NH&MRC document has been relied upon by politicians and public servants at all levels of Government in Australia.

Pam McGregor contacted the NH & MRC by Email and enquired;  
 “Wind Turbines & Health” — “A Rapid Review of the Evidence” July 2010.

Question: Who is the author or authors of this document.

Answer: Authorship cannot be ascribed to any one person or group of individuals.

Further Question: Is it possible for you to tell me the qualifications of the author or authors in terms of medical and / or scientific backgrounds? Are Council documents authored by staff of the Council? And have these staff medical and / or scientific qualifications?

Answer: Apologies, but there’s no more I can say. Contributors to NHMRC documents have a range of qualifications, including experience in evaluating evidence.

Page 2. 3<sup>rd</sup> paragraph

*“There are two opposing viewpoints regarding wind turbines and their potential effect on human health. It is important to note that these views are frequently presented by groups or people with vested interests. For example, wind energy associations purport that there is no evidence linking wind turbines to human health concerns. Conversely, individuals or groups who oppose the development of wind farms contend that wind turbines can adversely impact the health of individuals living in proximity to wind farms.”*

The individuals who oppose the development of wind farms do so on the grounds of adverse health impacts. It is independent Doctors, with no vested interest, who have identified patients with similar symptoms living in close proximity to wind turbines: those doctors are –

Dr Amanda Harry – United Kingdom rural GP

Dr David Iser – Victorian rural GP

Dr Nina Pierpont – American rural paediatrician – author “Wind Turbine Syndrome”.

Dr Sarah Laurie – South Australian rural GP



Dr Sarah Laurie – South Australian rural GP

Dr F. Owen Black – American ear nose & throat specialist consultant to US navy & NASA

Dr Alec Salt – Washington University School of Medicine. His study shows that infrasound in fact increases pressure inside both the cochlea and vestibular organs, distorting both balance and hearing.

Dr Bob McMurtry – Canadian orthopaedic surgeon, Dean of University of Western Ontario and has advised the Canadian Government on health policy. In the last 2 1/2 years he has spent many hours (3700) researching the wind turbine health issue. His conclusions are that people living within 2km of turbines are in danger of experiencing adverse health effects. His 72 page submission to the Australian Senate Inquiry is available on the web.

Dr Michael Nissenbaum – Canadian doctor. His study showed 22 people living 1.1km from a wind farm displayed metabolic disturbances, psychological stresses that resulted in chronic depression, anger, headaches and auditory problems.

All of these doctors contradict the findings of The National Health and Medical Research Council document.

Furthermore Dr Sarah Laurie's submission to Senate(no 390) on page 9 confirms my concerns and raises more issues with the NHMRC document.

Another document headed "Haste Makes Waste" authored by a group of Canadian doctors also supports my argument against the NHMRC document.

Exactly 12 weeks ago the people of the Kojonup Shire were given an opportunity to express their opinion on one of the most critical questions the shire has ever been asked to consider. Initially a proposed wind farm captured the imagination of most. However today after numerous submissions to the shire and many people researching the issue, we see a dramatic change in attitude. Almost without exception, the people of Kojonup regardless of their views on windfarms are not prepared to inflict any health risk on the neighbours of the proposed wind farm.

I sincerely thank you Madam President for the opportunity to address Council and I urge you not to grant approval for the proposed Flat Rocks wind farm.

Mr Bilney also tabled further information that he confirmed should be considered as part of his submission on the proposal, which the Chief Executive Officer accepted and agreed to collate in the agenda item when the proposal is considered by Council.

The tabled information also included a copy of the statement read by Mr Bilney. On 17 March 2011 Mr Bilney advised the Shire that he subsequently noticed that one page was missing, which was added to the tabled documentation and circulated to Councillors.

## **9 DECLARATIONS OF INTEREST**

Nil

## **10 FINANCE REPORTS**

### **10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY**

AUTHOR: Kim Dolzadelli – Manager Corporate Services  
DATE: Friday, 4 March 2011  
FILE NO: FM.FNR.2  
ATTACHMENT: 10.1 Monthly Statement of Financial Activity 1<sup>st</sup> July 2010 to 28<sup>th</sup> February 2011

#### **DECLARATION OF INTEREST**

Nil

#### **SUMMARY**

To accept the Monthly Statement of Financial Activity for the period of 1<sup>st</sup> July 2010 to 28<sup>th</sup> February 2011.

#### **BACKGROUND**

Preparation and presentation to Council of monthly reports are a statutory requirement, with these to be presented to the next ordinary meeting following the close of a month, or it may be presented to the ordinary meeting in the following month after that.

The reporting requirements, as per Financial Management Regulation 34, for the Statement of Financial Activity came into force from 1<sup>st</sup> July 2005.

#### **COMMENTS**

The attached Statement of Financial Activity for the period of 1<sup>st</sup> July 2010 to 28<sup>th</sup> February 2011 show a solid position with 92.72% of rates collected and a total amount of cash holdings of \$3,258,280.98 of which \$1,759,926.52 is held in fully cash backed Reserves as at 28<sup>th</sup> February 2011. Of these cash holdings \$1,000,000 of Municipal funds and \$1,500,000 of Reserve funds have been reinvested in short term deposits, due to mature 18<sup>th</sup> March 2011.

The final payment of rates by instalment payers is due on 9<sup>th</sup> March 2011.

#### **CONSULTATION**

None necessary.

#### **STATUTORY ENVIRONMENT**

Financial Management Regulation 34 sets out the basic information which must now be included in the monthly reports to Council.

#### **POLICY IMPLICATIONS**

None applicable.

#### **FINANCIAL IMPLICATIONS**

Occasionally Council may be asked to authorise certain budget amendments/variations by way of separate Senior Officer Reports, but those proposed variations will be taken into account in the monthly Statements of Financial Activity when a full budget review is put before Council. Amendments are not being sought from Council in the attached reports.

**STRATEGIC IMPLICATIONS**

This will only occur where it involves variations to the multiple year proposals previously put forward. Impacts to the “Closing Balance” position will also occur or where a Budget Review highlights the requirement for amendments to occur.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That the Monthly Statement's of Financial Activity for the periods of 1<sup>st</sup> July 2010 to 28<sup>th</sup> February 2011, as attached, be accepted.

**COUNCIL DECISION**

**23/11 MOVED Cr Hewson seconded Cr Baulch that the Monthly Statement's of Financial Activity for the periods of 1<sup>st</sup> July 2010 to 28<sup>th</sup> February 2011, as attached, be accepted.**

**CARRIED 8/0**

## 10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Kim Dolzadelli – Manager Corporate Services  
DATE: Friday, 4 March 2011  
FILE NO: FM.AUT.1  
ATTACHMENT: 10.2 Monthly Payment Listing

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To receive the list of payments that were made from 1<sup>st</sup> February 2011 to 28<sup>th</sup> February 2011.

**BACKGROUND**

Not applicable.

**COMMENT**

The attached list of payments is submitted for receipt by the Council.

**CONSULTATION**

No consultation was required.

**STATUTORY ENVIRONMENT**

Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996 provides that payment may only be made from the municipal fund or trust fund if the Local Government has delegated the function to the Chief Executive Officer.

The Chief Executive Officer has delegated authority to authorise payments. Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

**POLICY IMPLICATIONS**

Council's Policy F3 provides authorities and restrictions relative to purchasing commitments.

**FINANCIAL IMPLICATIONS**

All payments made are for items where Council has provided a budget authority.

**STRATEGIC IMPLICATIONS**

There are no strategic implications involved with presentation of the list of payments.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority from 01/02/2011 to 28/02/2011 comprising of Municipal Cheques 11555 to 11583, EFT's 6639 to 6765 and Internal Payment Vouchers 2562 to 2596 totalling \$650,538.89 and as attached to this agenda, be received.

**COUNCIL DECISION**

**24/11 MOVED Cr Trethowan seconded Cr Marsh that in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority from 01/02/2011 to 28/02/2011 comprising of Municipal Cheques 11555 to 11583, EFT's 6639 to 6765 and Internal Payment Vouchers 2562 to 2596 totalling \$650,538.89 and as attached to this agenda, be received.**

**CARRIED**

**8/0**

3:36pm Mrs Heather Marland left the Chamber.

**11 ENGINEERING & WORKS REPORTS****11.1 DISPOSAL OF PLANT – EXPRESSION OF INTEREST MULTIPAC ROLLER AND TENDER CATERPILLAR EXCAVATOR**

AUTHOR: Kim Dolzadelli – Manager Corporate Services  
 DATE: Thursday, March 10, 2011  
 FILE NO: PS.DIS.2  
 ATTACHMENT: Nil

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To inform Council of the process being used to dispose of Plant items P29001 - Caterpillar Excavator and P28002 – Multipac Multi Tyre Roller and for consideration of a local price preference of 10% to be applied to these disposals.

**BACKGROUND**

The two items of Plant in question were identified for disposal in Council's long term Plant Replacement Program, the disposal is included in the 2010/2011 Annual Budget.

**COMMENT**

Due to the difference in expected sale price of the two different Plant Items the Caterpillar Excavator has been advertised for Sale by way of Tender and the Multipac Multi Tyre Roller has been offered for Sale by way of Expression of Interest.

The reason for the different approach as above is that any disposal over \$20,000 that is not done by way of Public Tender would require advertising of the intention to dispose of the item including full details of who, how much and would also require for submissions from the public to be called with respect to the proposal. This process is required were an Expression of Interest process has been undertaken and simply creates additional cost and prolonged time frames, hence the Excavator has been dealt with via the Tender process.

Both Items of Plant were advertised in the West Australian newspaper on 23<sup>rd</sup> February 2011 and the Koji News on 4<sup>th</sup> March 2011 and both Tender and Expression of Interest close 4.00pm, Wednesday 16<sup>th</sup> March 2011.

Officers are asking Council to consider the application of a local price preference of 10% to organisations trading from a recognised business address in the Municipality for the sale of the two items of Plant.

If adopted this would mean that a local offer received within 10% of any other higher offer would be awarded the sale of the item of plant.

Council has a Local Price Preference for purchases it makes in line with the above and officer will develop a similar policy with respect to disposal of commercial items.

The objective of this is to support local business and promote the economic growth of the Municipality.

It is proposed that the selection of the successful Tender and Expression of Interest will be based upon the best price offered, factoring in the local price preference of 10%, and in the case that two or more offers match each other negotiation with each party would be undertaken to ensure that the maximum return can be achieved for the Council.

Whilst very unlikely should offers not reach Budget expectations negotiation with parties would be undertaken and if after these negotiations expectations are still not reached the matter will be reported to Council for consideration.

#### **CONSULTATION**

In accordance with section 3.58 Local Government Act 1995

#### **STATUTORY ENVIRONMENT**

Section 3.58 of the Local Government Act 1995 and Regulation 30 & 31 Local Government (Functions and General) Regulations 1996.

#### **POLICY IMPLICATIONS**

There are no known Policy Implications.

#### **FINANCIAL IMPLICATIONS**

The disposal of the two Plant items is incorporated within Councils 2010/2011 Annual Budget.

#### **STRATEGIC IMPLICATIONS**

Nil

#### **VOTING REQUIREMENTS – Simple Majority**

#### **OFFICER RECOMMENDATION**

1. That endorse the application of a 10% Local Price Variance with respect to the disposal of the two plant items, and
2. That Council notes the report and process being undertaken.

#### **COUNCIL DECISION**

**25/11 MOVED Cr Trethowan seconded Cr Benn**

- 1. That endorse the application of a 10% Local Price Variance with respect to the disposal of the two plant items, and**
- 2. That Council notes the report and process being undertaken.**

**CARRIED**

**8/0**

*3:36pm Mr Craig McVee left the Chamber.*

**12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS**

Nil

**13 CORPORATE & COMMUNITY SERVICES REPORTS****13.1 KEVIN O'HALLORAN MEMORIAL SWIMMING POOL MANAGEMENT CONTRACT**

AUTHOR: Kim Dolzadelli – Manager of Corporate Services  
DATE: Thursday, March 10, 2011  
FILE NO: CP.MTC.29  
ATTACHMENT: 13.1 Letter from Dr AGS King

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Council is being asked to consider a request, from Dr King to extend the 2010/2011 Kevin O'Halloran swimming pool season to cover the April school holiday period, Wednesday 20 April - Wednesday 4 May 2011.

**BACKGROUND**

Similar requests have been received in past years and discussed with Councilors at a briefing session level; this has been due to the timing of requests and ability of such requests to be included in previous Agendas.

In the past the benefit of extending the season has not offset the cost of doing so. Even when the approaches from the public suggested that there would be high level use, the change in average temperature happens suddenly and numbers have dropped towards the end of the scheduled season.

**COMMENT**

Discussions have been held with YMCA with respect to the extension of the 2010/2011 swimming pool season. YMCA has provided an estimated cost of \$3,489 to run the Kevin O'Halloran swimming pool facility per any additional week. Additional utility, chemical and operation costs would also be incurred; it is estimated that these costs would be in the vicinity of \$3,224 for the extended period.

The normal pool season closes on Sunday 27<sup>th</sup> March 2011 therefore an extension to the season to cover the April School holiday period, an additional 38 days, would be at an estimated cost of \$22,164.

As Council is aware the Sporting Complex Renewal project is also underway and the removal of the current asbestos roof is scheduled to occur on 4<sup>th</sup> April 2011. Any extension to the Pool season would not allow for these works to commence at the scheduled time and any delay would have serious impact on the timing, completion and therefore potentially the cost of this major project.

Shire officers will ensure that a quote for the 2011/12 season to extend to the end of the Easter school holidays is included in the budget process, however, this may also require a new tender process to be considered and advice will be given in June 2011.

**CONSULTATION**

Councillors have been previously consulted on the issue of extending the Pool season at the briefing sessions. YMCA has been consulted with respect to the cost of extending the season and Mr Michael Prandi has been consulted with respect to the sporting complex renewal project and impact of extension to the pool season.

**STATUTORY REQUIREMENTS**

Local Government Act 1995 (as amended)

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The cost of extending the swimming pool season is not covered in the 2010/11 Budget and there is potential for an extension in the season to have a negative financial impact on the complex renewal project.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS - SIMPLE MAJORITY****OFFICER RECOMMENDATION**

That the Kevin O'Halloran Swimming Pool for the 2010/11 year not be extended and that closure of the season remains as scheduled for Sunday 27<sup>th</sup>, March 2011.

**COUNCIL DECISION**

**26/11 MOVED Cr Trethowan seconded Cr Marsh that the Kevin O'Halloran Swimming Pool for the 2010/11 year not be extended and that closure of the season remains as scheduled for Sunday 27<sup>th</sup>, March 2011.**

**CARRIED**

**8/0**

## 13.2 A.W. POTTS KOKODA TRACK MEMORIAL – DONATED ASSETS

AUTHOR: Stephen Gash – Chief Executive Officer  
 DATE: Thursday, March 10, 2011  
 FILE NO: FM.SPN.2 & CM.ASM.1  
 ATTACHMENT: Nil

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Council is being asked to note the donation of the A.W. Potts Kokoda Track Memorial infrastructure within Apex Park.

**BACKGROUND**

The development of the A.W. Potts Kokoda Track Memorial was a significant community project and achievement. Having fulfilled their purpose the organising committee are in the process of winding up and need to disperse any assets in accordance with their constitution.

The statue and bridge are located and fixed on the Shire owned land and the expectation at the start of the project was that these assets would eventually pass to the Shire of Kojonup for the Kojonup community.

**COMMENT**

Officers acknowledge the commitment to pass the assets to the Shire to manage on behalf of the Kojonup community. Therefore Council are being asked to note that the process is being completed and the commitment to ongoing costs, based on the previous undertakings to support the assets.

The assets will be recorded at a combined book value of \$95,000 which require approximate operational funding per annum as follows:

\$86 annual insurance

\$1,200 bridge maintenance and renewal based on 4% of the capital value.

TOTAL \$1,286 per annum

**CONSULTATION**

The project was funded and built with extensive community support and consultation. The Shire's input was the continued management after the project was completed.

**STATUTORY REQUIREMENTS**

Local Government Act 1995 (as amended)

**POLICY IMPLICATIONS**

The Shire of Kojonup asset management approach requires considering whole of life costs of assets, including donated assets, noting that the up front cost is often a small component of the whole of life estimates.

**FINANCIAL IMPLICATIONS**

The cost of the direct insurance budget and asset renewal allocation will be approximately \$1,286.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS - SIMPLE MAJORITY****OFFICER RECOMMENDATION 1**

That the Council note the donation of the A.W. Potts Kokoda Track Memorial.

**COUNCIL DECISION**

**27/11 MOVED Cr Marsh seconded Cr Hewson that the Council note the donation of the A.W. Potts Kokoda Track Memorial.**

**CARRIED**

**8/0**

**OFFICER RECOMMENDATION 2**

That the Shire President write to the committee to thank them on behalf of the community for their efforts and for the donated asset.

**COUNCIL DECISION**

**28/11 MOVED Cr Baulch seconded Cr Benn that the Shire President write to the committee to thank them on behalf of the community for their efforts and for the donated asset.**

**CARRIED**

**8/0**

**OFFICER RECOMMENDATION 3**

That Council note ongoing expenditure of approximately \$1,286 pa.

**COUNCIL DECISION**

**29/11 MOVED Cr Pritchard seconded Cr Marsh that Council note ongoing expenditure of approximately \$1,286 pa.**

**CARRIED**

**8/0**

## 13.3 MEMORANDUM OF UNDERSTANDING (MOU) – Emergency Management

AUTHOR: Stephen Gash – Chief Executive Officer  
 DATE: Thursday, March 10, 2011  
 FILE NO: ES.POL.2  
 ATTACHMENT: 13.3.1 Draft MOU  
 13.3.2 SEMC (State Emergency Management Committee) Policy 4.2

**DECLARATION OF INTEREST**

Nil



**SUMMARY**

Council is being asked to consider a memorandum of understanding for the provision of mutual aid during emergencies and post incident recovery to other Shires involved in the emergency management response.

**BACKGROUND**

Mr Adam Smith – Community Emergency Management Officer with the Fire and Emergency Services Authority (FESA) approached each Shire in August 2010 with a sample agreement between the Shires in the South West to support a coordinated approach to reciprocal use of resources.

At that time the need for such an agreement was questioned by Shire officers and it did not progress. The issue was raised again by Mr Smith through the WA Local Government Association – Great Southern Zone.

At the zone meeting some concerns were raised with the need, and governance aspects of the agreement and it was referred to each Shire for consideration. At the same meeting Mr Butcher from FESA advised that FESA would be the sole Hazard Management Authority for bushfire and that Local Governments would operate as normal, but under this banner.

**COMMENT**

Officers reiterate that they do not see the need for such an arrangement to be formalised in a Memorandum of Understanding and point to the spirit of cooperation that has always existed with emergency response and recovery. Specifically the Shire of Kojonup has sent workers to Wagin in February 2011 to assist with storm clean up and offered environmental health assistance if required to the Gascoyne during the floods. We also note and appreciate the response of neighbouring Shires when Kojonup's co-op building burnt down.

The main concern regarding the agreement is the acknowledgement that the approach will be directly from an incident controller or HMA. Given that local government is not a HMA and therefore unlikely to be an incident controller then this agreement is in essence not between local governments but the State and combat agencies responding (clause 7.2).

Appropriate powers already exist under the Emergency Management Act to utilise / acquire resources. However there are broader questions regarding insurance liability when these are volunteered by a Shire under a MOU arrangement versus lawfully used by State agencies under the Emergency Management Act. This matter has been raised with LGIS for clarification of insurance extension if another HMA or agency approaches the Shire and a Shire accepts liability under clause 7.3.

The concerns of State agency initiation were highlighted in December 2010 when an officer from the Department of Child Protection, (DCP) met with the Kojonup Local Emergency Management Committee, (LEMC), Coordinator and Chairperson to discuss recovery plans and during the meeting raised DCP's awareness of this proposed MOU in the great Southern, suggesting that they would now be able to access recovery centres etc without any stuffing around.

In March 2011 the Shire of Kojonup was approached to supply emergency contacts to the District Police office. This had previously been supplied to the Local Police, as members of the LEMC, however, background provided with the request alluded to the potential use for direct contact and mobilisation of resources outside the agreed communication structures. This would raise further insurance concerns, especially if the Police were unaware they were calling in volunteer resources.

Furthermore the potential loading of contact data on a separate database raises Privacy Act concerns that need to be considered in the broader context of communication and roles under the Emergency Management Act 2005.

Until the roles, liability, and communication under this MOU are clarified officers are recommending that the MOU not be signed and instead the Shire of Kojonup writes to each local government to reaffirm its commitment to supporting them through continuing our co-operative approach.

**CONSULTATION**

The concept of the MOU was raised through the Great Southern Zone of WALGA. As local government is the sole signatory this has not been raised at a LEMC level, however, Mr Smith is also a support officer for the District Emergency Management Committee, (DEMC).

**STATUTORY REQUIREMENTS**

Local Government Act 1995 (as amended)  
Emergency Management Act 2005  
Bush Fires Act 1954

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The funding of emergencies under the emergency Management Act is covered by SEMC Policy 4.2. For emergencies outside this the Shire of Kojonup maintains a reserve of \$20,000 for immediate, unbudgeted emergency expenditure, at the authorisation of the Shire President.

It is worth noting that the funding further changes if the event is declared a natural disaster and if the Shire resources used are in addition to the daily activity of Councils.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS - SIMPLE MAJORITY****OFFICER RECOMMENDATION**

That the Council defer signing the Memorandum of Understanding for the provision of mutual aid during emergencies and post incident recovery, until further clarification is obtained and convey to other proposed signatory local governments:

- a) the Shire of Kojonup's commitment to assist them if they need help; and
- b) the nature of the clarification being sought before considering the agreement further.

**COUNCIL DECISION**

**30/11 MOVED Cr Benn seconded Cr Marsh that the Council defer signing the Memorandum of Understanding for the provision of mutual aid during emergencies and post incident recovery, until further clarification is obtained and conveyed to other proposed signatory local governments:**

- a) the Shire of Kojonup's commitment to assist them if they need help; and
- b) the nature of the clarification being sought before considering the agreement further.

**CARRIED**

**8/0**

**14 COMMITTEES OF COUNCIL****14.1 MURADUP MEMORIAL PRECINCT COMMITTEE****OFFICER RECOMMENDATION**

That the attached unconfirmed minutes of the Muradup Memorial Precinct Committee held Tuesday 1<sup>st</sup> March 2011 be received by Council.

**COUNCIL DECISION**

**31/11 MOVED Cr Marsh seconded Cr Pritchard that the attached unconfirmed minutes of the Muradup Memorial Precinct Committee held Tuesday 1<sup>st</sup> March 2011 be received by Council.**

**CARRIED**

**8/0**

**15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**16 NEW BUSINESS**

of an urgent nature, introduced by a decision of the meeting

**COUNCIL DECISION****32/11 MOVED Cr Marsh seconded Cr Hewson that the Item be discussed.****CARRIED****8/0****COUNCIL DECISION****33/11 MOVED Cr Hewson seconded Cr Pritchard that Council endorse the nomination of Cr Benn to the Board of the Visitors Centre Association of WA.****CARRIED****8/0****17 CONFIDENTIAL REPORTS**

Nil

**18 NEXT MEETING**Tuesday, 19<sup>th</sup> April 2011 commencing at 3:00pm.**19 CLOSURE**

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 4:46pm.

**20 APPENDICES AND TABLED DOCUMENTS**

Documents tabled by Mr Roger Bilney at the Council meeting at the time of his deputation with respect to the current Flat Rocks Wind Farm Proposal.

Additional Documents

On 17 March 2011 Mr Bilney advised the Shire that he subsequently noticed that one page was missing from the above tabled document. This document has been circulated to Councillors and is also attached to these minutes.

**21 ATTACHMENTS**

Item 10.1	Monthly Statement of Financial Activity 1 <sup>st</sup> July 2010 to 28 <sup>th</sup> February 2011
Item 10.2	Monthly Payment Listing 1 <sup>st</sup> February 2011 to 28 <sup>th</sup> February 2011
Item 13.1	Letter of Request from Dr AGS King
Item 13.3.1	Draft MOU
Item 13.3.2	SEMC (State Emergency Management Committee) Policy 4.2
Item 14.1	Unconfirmed Muradup Memorial Precinct Committee Minutes – Tuesday 1 <sup>st</sup> March 2011

\_\_\_\_\_  
Presiding Member\_\_\_\_\_  
Date