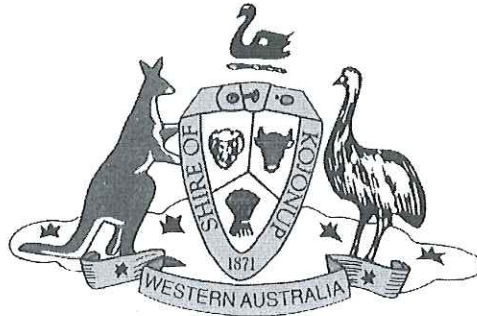


SHIRE OF KOJONUP



Council Agenda

21st October 2014

TO: THE SHIRE PRESIDENT AND COUNCILLORS

NOTICE is given that a meeting of the Council will be held in Council Chambers, Administration Building Albany Highway, Kojonup on Tuesday 21st October 2014 commencing at 3:00pm.

Qualified Persons Advice etc.

I certify that with respect to all advice, information or recommendation provided to the Council in or with this agenda:

- i. The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- ii. Where any advice is directly given by a person who does not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.

Your attendance is respectfully requested.

RICK MITCHELL-COLLINS
CHIEF EXECUTIVE OFFICER

16 October 2014

SHIRE OF KOJONUP**AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 21st October 2014****TABLE OF CONTENTS**

1	DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS	3
2	ATTENDANCE & APOLOGIES	3
3	SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	3
4	PUBLIC QUESTION TIME	4
5	APPLICATIONS FOR LEAVE OF ABSENCE	4
6	CONFIRMATION OF MINUTES	4
7	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	4
8	PETITIONS, DEPUTATIONS & PRESENTATIONS	5
9	DECLARATIONS OF INTEREST	5
10	CORPORATE SERVICES REPORTS	6
10.1	FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY	6
10.2	MONTHLY PAYMENTS LISTING	8
10.3	FREEDOM OF INFORMATION - INFORMATION STATEMENT 2014/2015	10
10.4	101 ALBANY HIGHWAY KOJONUP	12
10.5	FINANCIAL MANAGEMENT – BUDGET AMENDMENTS – MAIN STREET, MEDICAL CENTRE & ROAD CONSTRUCTION	14
11	WORKS & SERVICES REPORTS	18
12	COMMUNITY & REGULATORY SERVICES REPORTS	19
12.1	KOJONUP SALEYARDS & TRUCK WASH DOWN BAY	19
12.2	FINAL APPROVAL FOR TOWN PLANNING SCHEME No. 3 - AMENDMENT No. 11 TO REZONE LOT 200 TUNNEY ROAD, KOJONUP TO SPECIAL RURAL.	31
13	EXECUTIVE & GOVERNANCE REPORTS	38
13.1	KODJA PLACE PRECINCT	38
13.2	2014 WORKFORCE PLAN (REVIEWED)	44
13.3	KODJA PLACE - STORYPLACE – LOAN AND COPYING OF IMAGE / OBJECT FORM AGREEMENT REVIEW	46
13.4	CLOSURE OF SHIRE OFFICE AND LIBRARY OVER 2014/2015 CHRISTMAS/NEW YEAR	49
14	COMMITTEES OF COUNCIL	51
14.1	AUDIT COMMITTEE	51
14.2	KODJA PLACE ADVISORY COMMITTEE	52
14.3	KOJONUP TOURIST RAILWAY	53
15	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	55
16	NEW BUSINESS	55
17	CONFIDENTIAL REPORTS	56
17.1	GOVERNANCE – DEED OF EASEMENT R & J GOODALL (OFFER OF PURCHASE)	56
17.2	KODJA PLACE COMMUNITY FUND INC.	56
18	NEXT MEETING	58
19	CLOSURE	58
20	ATTACHMENTS (SEPARATE)	58

A G E N D A

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President shall declare the meeting open and alert 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

Cr Ronnie Fleay	Shire President
Cr Robert Sexton	Deputy Shire President
Cr Ian Pedler	
Cr Jane Trethowan	
Cr John Benn	
Cr Frank Pritchard	
Cr Ned Radford	
Cr Jill Mathwin	

Mr Rick Mitchell-Collins	Chief Executive Officer
Mr Anthony Middleton	Manager of Corporate Services
Mr Mort Wignall	Manager of Regulatory & Community Services
Mr Craig McVee	Manager of Works & Services
Mrs Michelle Dennis	Development Services Coordinator
Miss Dominique Hodge	Personal Assistant to the CEO

APOLOGIES

3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

5 APPLICATIONS FOR LEAVE OF ABSENCE

6 CONFIRMATION OF MINUTES

ORDINARY MEETING 16th September 2014

COUNCIL DECISION

/14 Moved Cr _____, seconded Cr _____ that the Minutes of the Ordinary Meeting of Council held on 16th September 2014 be confirmed as a true record.

CARRIED/LOST /

7 ANNOUNCEMENTS by the Presiding Member without discussion

8 PETITIONS, DEPUTATIONS & PRESENTATIONS

9 DECLARATIONS OF INTEREST

10 CORPORATE SERVICES REPORTS**10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY**

AUTHOR: Anthony Middleton – Manager of Corporate Services
DATE: Monday, 13 October 2014
FILE NO: FM.FNR.2
ATTACHMENT: 10.1 Monthly Statement of Financial Activity

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to note the Monthly Financial Statements for the period ending 30 September 2014.

BACKGROUND

In addition to good governance, the presentation to the Council of monthly financial reports is a statutory requirement, with these to be presented at an ordinary meeting of the Council within two (2) months after the end of the period to which the statements relate.

COMMENT

The attached Statement of Financial Activity for the period 1 July 2014 to 30 September 2015 represents three (3) months, or 25% of the year.

Page 7 of the statements details the major variations from year to date budgets. A separate agenda item has been prepared to recommend amendments to the adopted budget to reflect Council decisions made, officer recommendations or the progression of projects in the three completed months of the financial year. This monthly revision is somewhat a change in process and it is envisaged that will both reduce the extent of the mid-year budget review and improve the daily management of the Shire's finances.

CONSULTATION

Nil.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

This item reports on the current financial position of the Shire. The recommendation does not in itself have a financial implication.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013-23 Focus Area 1 - Being Well Governed

Corporate Business Plan 2013-17

Strategy 1.1.2 Maintain a structured forward planning process in accordance with legislation and community aspirations

Strategy 1.1.4 Maintain robust systems and controls

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications for this report.

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Brodie Hueppauff – Finance Officer
DATE: Thursday, 9th October, 2014
FILE NO: FM.AUT.1
ATTACHMENT: 10.2 Monthly Payment Listing 01/09/2014 – 30/09/2014

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments covering the period 1st September 2014 to 30th September 2014.

BACKGROUND

Not applicable.

COMMENT

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

In accordance with the previous briefing session any comments or queries regarding the list of payments is to be directed to the Manager of Corporate Services via email prior to the meeting.

CONSULTATION

No consultation was required.

STATUTORY REQUIREMENTS

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 2.5 provides authorisations and restrictions relative to purchasing commitments.

FINANCIAL IMPLICATIONS

All payments made in line with Council Policy.

STRATEGIC/CORPORATE IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

A control measure to ensure transparency of financial systems and controls regarding creditor payments.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

10.3 FREEDOM OF INFORMATION - INFORMATION STATEMENT 2014/2015

AUTHOR: Anthony Middleton – Manager of Corporate Services
DATE: Thursday, 18 September 2014
FILE NO: IM.FOI.4
ATTACHMENT: 10.3 Information Statement 2014/2015

DECLARATION OF INTEREST

Nil

SUMMARY

To review, prior to the annual publishing of, the Shire of Kojonup's Information Statement.

BACKGROUND

Section 96(1) of the Freedom of Information Act 1992 requires each government agency, including local governments, to prepare and publish annually an Information Statement.

The Information Statement must set out:-

- The Agency's Mission Statement
- Details of legislation administered.
- Details of the agency structure.
- Details of decision-making functions.
- Opportunities for public participation in the formulation of policy and performance of agency functions
- Documents held by the agency.
- The operation of FOI in the agency.

COMMENT

The Shire of Kojonup's Information Statement 2014/15 is attached to this agenda. The document complies with the requirements of the Freedom of Information Act, as outlined above.

A copy of the Information Statement will be forwarded to the Commissioner as required. The previous version was adopted 20 August 2013, motion 122/13.

CONSULTATION

Nil.

STATUTORY REQUIREMENTS

This item is required under the Freedom of Information Act 1992.

POLICY IMPLICATIONS

The Information Statement is the Policy for access to information under the Freedom of Information Act, and is linked to the Records Management Policy and Record Keeping Plan.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC/CORPORATE IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

Nil.

ASSET MANAGEMENT IMPLICATIONS

Nil.

Simple Majority

That the 2014/2015 information statement, as attached, be adopted and published in accordance with the Freedom of Information Act 1992.

/14 Moved Cr , seconded Cr

CARRIED/LOST /

10.4 101 ALBANY HIGHWAY KOJONUP

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Monday, 13 October 2014
FILE NO: A10215
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

To advise Council that the purchase offer for 101 Albany Highway, Kojonup for future use as part of the Main Street Master Plan – Kojonup Town Square enhancement as per Council Decision 143/14 has been accepted.

BACKGROUND

As per Confidential Report tabled at the Council Meeting held 16 September 2014.

COMMENT

Lot A 10215 presently consists of the Curly Wig hair salon and the tenant has been advised by the Real Estate Agent that Council upon becoming the new owner wishes to enter into a lease for a further 12 months. This will allow the tenant and Council time to assess development options as part of the Main Street Master Plan.

CONSULTATION

Council Briefing Session - 2 September 2014
Council Meeting – 16 September 2014
Shire President, CEO, MCS and Landmark/Harcourts Agent

STATUTORY REQUIREMENTS

S 3.58 Local Government Act 1995

POLICY IMPLICATIONS

Policy 3.2 Development Incentives encourages landowners to undertake new development within the Shire of Kojonup. Should the purchase of 101 Albany Highway proceed it will be Council who will be undertaking the initiative in order to drive economic development of the Main Street.

FINANCIAL IMPLICATIONS

As per Council Decision 143/14 passed 16 September 2014.

STRATEGIC/CORPORATE IMPLICATIONS

Corporate Business Plan 2013-2017 Focus Area 1.7 Supporting Main Street
Strategy 1.7.1 Improve retail sustainability by enhancing the appeal of the town centre to encourage more people to stop in the town.

RISK MANAGEMENT IMPLICATIONS

The enhancement of the civic precinct requires commitment by Council, Community and Business to improve off street parking, centralise (where possible) civic services, maximise use of existing infrastructure and achieve development stages that are affordable, prioritised and supported. A high risk is buying property that remains undeveloped until external funding is sourced. Another risk is duplication of assets which invariably may make both future liabilities.

ASSET MANAGEMENT IMPLICATIONS

Council and the Community must be very committed to realising the Main Street Master Plan once adopted and the costs/benefits that are attached to new facilities, parks and reserves are reflected up front otherwise a further financial burden will be created that is not sustainable!

Simple Majority

That the CEO's report be received.

/14 Moved Cr , seconded Cr

CARRIED/LOST /

10.5 FINANCIAL MANAGEMENT – BUDGET AMENDMENTS – MAIN STREET, MEDICAL CENTRE & ROAD CONSTRUCTION

AUTHOR: Anthony Middleton – Manager of Corporate Services
DATE: Monday, 13 October 2014
FILE NO: FM.BUD.2
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to recommend changes to the adopted 2014/2015 budget to reflect recent Council decisions, project expenditure or staff suggestions.

BACKGROUND

The 2014/2015 Annual Budget was adopted on 22 July 2014. There have been no subsequent changes made to the figures adopted.

COMMENT

This item to amend certain aspects of the budget each month, rather than wait for the mid-year budget review in February or March each year is somewhat a change in process for the Shire. It is envisaged that more regular budget reviews will:

- Reduce the size of the mid-year budget review task;
- Improve the timing of known budget amendments; and
- Improve the day-to-day management of the Shire's finances.

Three (3) budget amendments are proposed within this agenda item as follows (detailed figures are shown in the financial implication section below):

1. Purchase of Lot 101 Albany Highway

This amendment proposes to implement the Council decision for the purchase of the above lot. The proposed amendment involves taking \$50,000 from the general allocation provided to implement the Main Street Master Plan and allocating it to an existing purchase of land account. This change then has the effect of segregating the remaining portion of the main street master plan budget allocation.

2. Main Street Master Plan expenses

This amendment is to cover additional expenses incurred in the main street master plan and medical centre design projects. It is proposed that these expenses be funded through the general allocation provided to implement the Main Street Master Plan.

3. Road Construction – Project Reallocation

The adopted budget includes (amongst other projects) C246 Widening – Kojonup Darkan Road - \$270,000 and C247 Widening – Kojonup Frankland Road. The Manager of Works is requesting that project C246 be deferred to next financial year and the funds be allocated to C247. This change would enable a longer section of road to be completed on the Kojonup Frankland Road and would greatly increase the safety to the road user in this area. These projects are both grant funded through the regional road group and their approval for this amendment has already been received.

CONSULTATION

Manager of Works & Services.

STATUTORY REQUIREMENTS

Section 6.8 of the *Local Government Act 1995* requires that a local government is not to incur expenditure from its Municipal Fund unless it is included in its annual budget, or other specific provision.

Changes to the annual budget are to be by an absolute majority decision.

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

This item recommends changes to the annual budget and therefore has a direct financial implication. All suggested changes maintain a balanced budget.

The following table illustrates the recommended budget amendments:

1. Purchase of Lot 101 Albany Highway - September Council Resolution							
		Adopted Budget	YTD Actual	Predicted Actual	(Over)/Under Budget	Proposed Budget Change	Proposed New Budget
C305	Purchase of Land	\$ 110,000	\$ -	\$ 160,000	-\$ 50,000	\$ 50,000	\$ 160,000
		\$ 110,000	\$ -	\$ 160,000	-\$ 50,000	\$ 50,000	\$ 160,000
To be funded from:							
C308	Main St. Master Plan - Allocation	\$ 100,000	\$ -	\$ -	\$ 100,000	-\$ 50,000	\$ 50,000
		\$ 100,000	\$ -	\$ -	\$ 100,000	-\$ 50,000	\$ 50,000
Net Effect on Budget:						\$ -	
2. Expenses - Medical & Main Street Planning							
		Adopted Budget	YTD Actual	Predicted Actual	(Over)/Under Budget	Proposed Budget Change	Proposed New Budget
3362	Medical Centre Study	\$ 14,892	\$ 4,500	\$ 18,136	-\$ 3,244	\$ 4,000	\$ 18,892
7696	Town Centre Study	\$ 53,160	\$ 12,500	\$ 61,560	-\$ 8,400	\$ 10,000	\$ 63,160
		\$ 68,052	\$ 17,000	\$ 79,696	-\$ 11,644	\$ 14,000	\$ 82,052
To be funded from:							
C308	Main St. Master Plan - Allocation	\$ 50,000	\$ -	\$ -	\$ 50,000	-\$ 14,000	\$ 36,000
	(refer to proposed amendment 1 above)	\$ 50,000	\$ -	\$ -	\$ 50,000	-\$ 14,000	\$ 36,000
Net Effect on Budget:						\$ -	
3. Road Construction Project Changes							
		Adopted Budget	YTD Actual	Predicted Actual	(Over)/Under Budget	Proposed Budget Change	Proposed New Budget
C247	Widening - Kojonup Frankland Rd	\$ 300,000	\$ -	\$ 570,000	-\$ 270,000	\$ 270,000	\$ 570,000
		\$ 300,000	\$ -	\$ 570,000	-\$ 270,000	\$ 270,000	\$ 570,000
To be funded from:							
C246	Widening - Kojonup Darkan Road	\$ 270,000	\$ -	\$ -	\$ 270,000	-\$ 270,000	\$ -
		\$ 270,000	\$ -	\$ -	\$ 270,000	-\$ 270,000	\$ -
Net Effect on Budget:						\$ -	

STRATEGIC/CORPORATE IMPLICATIONSCommunity Strategic Plan 2013-2023

Focus Area 1 - Being Well Governed

Corporate Business Plan 2013-2017

Strategy 1.1.2 Maintain a structured forward planning process in accordance with legislation and community aspirations

Strategy 1.1.4 Maintain robust systems and controls

RISK MANAGEMENT IMPLICATIONS

The continual review and adjustment of the annual budget in line with external factors minimizes the financial risk of the organisation.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That the 2014/2015 budget be amended as follows:

Account	Description	Adopted Budget	Proposed Budget Change	Proposed New Budget
C305	Purchase of Land	\$ 110,000	\$ 50,000	\$ 160,000
C308	Main St. Master Plan - Allocation	\$ 100,000	-\$ 50,000	\$ 50,000
3362	Medical Centre Study	\$ 14,892	\$ 4,000	\$ 18,892
7696	Town Centre Study	\$ 53,160	\$ 10,000	\$ 63,160
C308	Main St. Master Plan - Allocation	\$ 50,000	-\$ 14,000	\$ 36,000
C247	Widening - Kojonup Frankland Rd	\$ 300,000	\$ 270,000	\$ 570,000
C246	Widening - Kojonup Darkan Road	\$ 270,000	-\$ 270,000	\$ -

COUNCIL DECISION

/14 Moved Cr

, seconded Cr

CARRIED/LOST

/

11 WORKS & SERVICES REPORTS

Nil

12 COMMUNITY & REGULATORY SERVICES REPORTS**12.1 KOJONUP SALEYARDS & TRUCK WASH DOWN BAY**

AUTHOR: Michelle Dennis – Development Services Coordinator
DATE: Tuesday, 14 October 2014
FILE NO: CP.MTC.19
ATTACHMENT: [12.1.1 Site Plan - Locality Plan](#)
[12.1.2 Example Licences](#)
[12.1.3 Submissions](#)
[12.1.4 Sheep Saleyards Survey](#)
[12.1.5 Sheep Saleyards Survey Summary A](#)
[12.1.6 Sheep Saleyards Survey Summary B](#)
[12.1.7 Sheep Saleyards Survey Summary C](#)
[12.1.8 Code of Practice for Animals at Saleyards in Western Australia](#)
[12.1.9 Saleyards in Western Australia](#)

DECLARATION OF INTEREST

Nil

SUMMARY

To consider the options for the future use of the Kojonup Saleyards.

BACKGROUND

The Shire operates a Truck Wash Down Bay located on land adjoining and containing the Kojonup Saleyards (see Attachment 12.1.1). The Shire holds an Industrial Waste permit with the Water Corporation, permitting the discharge of the waste water generated from the Truck Wash Down Bay to the adjoining Water Corporation Waste Water Treatment Plant. This permit is conditional on the waste water meeting certain discharge criteria.

Over the past few years, the Shire has been unable to meet the discharge criteria regarding suspended solids, which has resulted in an increase in the permit fee being charged by the Water Corporation. For the Water Corporation, high suspended solids in the waste water requires additional alum dosing to reduce the phosphorous levels and pathogen carrying potential of the water. Alum, a flocculent which causes the solids to clump together, is required to be added to reduce the solids in the ponds, which results in a layer of sludge forming at the bottom of the treatment ponds. Water Corporation staff have informed that the Kojonup Waste Water Treatment Plant requires desludging every two years, increasing the potential for odour impacts to the community.

Ultimately less solids in the water improves the chlorination effectiveness which in turn reduces the potential for the Department of Health prescribed *E.coli* levels in the waste water, used on the Shire's Town Oval, to be exceeded. Additionally reduced phosphorus levels being discharged to the environment improves the general health of the creek systems.

As part of the improvement works associated with the Waste Water Reuse Scheme the Shire is proposing to install two settlement ponds to allow the suspended solids in the waste water from the Truck Wash time to settle out. During summer it is also likely that these ponds will enable some evaporation of the waste water, reducing the volume discharged to the Water Corporation and therefore reducing the permit charge.

Before proceeding to tender, the Shire lodged the requisite Application Enquiry with the Department of Environment Regulation (DER). DER has informed the Shire of the need for a Works Approval to be obtained prior to the construction of the settlement ponds, as the ponds are associated with a truck wash located on land containing and used in connection with the Saleyards.

The Saleyards have been in place at their current location for at least 50 years. The facility is used between two and three times per year, with a yarding capacity of 8,000 sheep.

Saleyards are included as a Category 55 prescribed activity under the provisions of the *Environmental Protection Act 1986* and are defined as *livestock saleyard or holding pen; premises on which live animals are held pending their sale, shipment or slaughter*. The threshold level, or the level where licensing is required, is 10,000 animals per year.

The discharge of animal waste or other emissions from a commercial activity is an offence under the *Environmental Protection Act 1986*. The presence of a licence provides a defense to any allegation regarding discharges from prescribed activities.

COMMENT

According to the Shire's income records over the last eight financial years, the saleyards has averaged 11,218 sheep throughput per year. Following the last Ordinary Council meeting and a meeting with a local agent, saleyard throughput figures have been reviewed as it was perceived that these figures were too high. While a copy of the figures from the local agent were not received at the time of writing, a review of all of the income figures available electronically for the last nine years has identified that the saleyards has actually averaged **14,302** sheep, with only **three** of these years having recorded less than 10,000 sheep. These figures, summarized in Table One, were based on invoice records issued to all reordered users.

Year	Throughput
13/14	18,289
12/13	7,020
11/12	6,829
09/10	13,790
08/09	16,172
07/08	18,371
06/07	6,400
05/06	11,458
04/05	30,397
Total	128,726
Average	14,303

Table 1 – Throughput based on income records

The above figures only account for sales. The Shire does not currently capture the use of the yards by transporters, farmers or agents who use the yards as a drop up and pick up point or to readjust loads.

The DER considers the annual capacity of the yards, rather than the actual throughput. As the yards have the capacity to hold 8,000 sheep at any one time, it is likely that the threshold value of 10,000 animals per year will be (and has been) exceeded therefore triggering a licence consideration. Note that use of the cattle yards has not been included.

A scoping meeting was held with DER officers on 4th August to discuss their licensing requirements. DER officers indicated that in order to obtain a licence for the yards the Shire would need to demonstrate that the yards can be operated in a manner that does not result in emissions to the environment. These emissions include:

- Dust
- Noise
- Odour
- Animal waste to the environment including ground water
- Contaminated water to the environment
- Sediment

Maximum throughputs can be placed as conditions on licences to assist in designing and treating emissions.

- **Licensing Burden**

An Environmental Assessment would need to be carried out on the site to provide a general soil profile including assessing the depth to ground water. Monitoring bores will possibly need to be installed to be able to monitor any potential offsite impacts. Stormwater coming in contact with the yards and vehicle ways as well as “clean” stormwater needs to be captured and treated, or discharged to the environment in a controlled way.

Shire staff have received price estimates from an Environmental Consultant for the Environmental Assessment. Table Two illustrates these estimates:

Item (Assumption)	Estimate
Environmental Assessment Report	\$ 10,000
Bore installation (based on 1 bore, \$100/m - assumed 10m deep & mobilisation)	\$ 4,000
Works Approval fee (based on construction works <\$30,000)	\$ 650
Survey work (one day)	\$ 3,200
Licence fee (based on less than 50,000 animals per year, no emissions to the environment)	\$ 800
Total	\$ 18,650

Table 2 – Cost Estimates to obtain Licence

These estimates do not include any remedial works required, for example to redirect stormwater away from the saleyards area or treatment of the water that comes in contact with animal waste. Investigations have not been carried out to establish if there is sufficient space on site to treat this additional waste water, in addition to that generated from the Truck Wash Down Bay, prior to discharge. Given the information provided by the Water Corporation regarding the capacity of the Kojonup Waste Water Treatment Plant in recent months, it is considered unlikely that the Water Corporation would permit the discharge of contaminated storm water from the saleyards area into their system.

DER licences are publicly available for viewing from their website. Attachment 12.1.2 contains a number of examples to assist Council to understanding the obligations of licensing. The annual licence fee is therefore considered a small component of the overall annual reporting/compliance obligations.

- **Current Budget allocations**

Table Three illustrates the current as well as last year’s budget allocation to the saleyards. The fees to use the Truck Wash Down Bay have recently been increased to aid to cover the costs associated with this facility, on a user pays basis. However there is still a shortfall of approximately \$10,000 that is subsidized by general rate revenue.

Item	2013-14 Actual	2014/15 Budget
Depreciation	\$ 2,322	\$ 2,322
Wash Down Bay - Repairs	\$ 6,782	\$ 8,000
Saleyards Ground Maintenance	\$ 4,575	\$ 5,000
Saleyards & Washdown Bay - Op Exp.	\$ 454	\$ 500
Saleyards - Utility Charges	\$ 20,122	\$ 20,000

Total Expenditure	\$ 34,635	\$ 36,202
Washdownbay Fees	\$ 12,785	\$ 20,000
Saleyards - Income	\$ 8,423	\$ 6,000
Total Income	\$ 21,208	\$ 26,000
Net Position	-\$ 13,427	-\$ 10,202

Table 3 – Shire Budget – Saleyards

Further to requests for a breakdown of these charges, Table Four contains a breakdown of the 2013/14 actual expenditure and income (based on entries against the relevant budget codes), further broken down into assumed Saleyards/Wash down bay components.

Item		Wash Down Bay	Saleyards	2013/14 Totals
Depreciation		\$ 1161	\$ 1161	\$ 2,322
Wash Down Bay - Repairs <i>Included maintenance crew/mechanic checks, maintenance of pump, plumbing repairs, electrical repairs, pump motor repairs and servicing</i>		\$ 6782	0	\$ 6,782
Saleyards Ground Maintenance <i>Includes works maintenance crew (ie labour, plant, depreciation on plant)</i>		\$ 1525	\$ 3050	\$ 4,575
Saleyards & Washdown Bay - Op Exp. (Insurance)		\$ 227	\$ 227	\$ 454
Saleyards - Utility Charges				
• <i>Water Corp Water Charges</i>	\$ 6005.46	\$ 5404.91	\$ 600	
• <i>Water Corp Industrial Waste Charges</i>	\$13,555.99	\$ 13,555.99	0	
• <i>Synergy Charges</i>	\$ 560.87	\$ 560.87	0	\$ 20,122
Total Expenditure		\$ 29,216.77	\$ 5038	\$ 34,255
Washdownbay Fees (<i>Avdata</i>)		\$ 12,785	0	\$ 12,785
Saleyards - Income				
• <i>Sheep sales</i>	\$ 8313.41	0	\$ 8,313.41	
• <i>Avdata key sales (wash down bay)</i>	\$ 109.09	\$ 109.09	0	\$ 8,423
Total Income		\$ 12,894.09	\$ 8,313.41	\$ 21,207
Net Position		- \$ 16,322.68	\$ 3,275.41	-\$ 13,048

Table 4 – Breakdown 2013/14 Actual

- Consultation

During the scoping meeting DER suggested that the Shire could consider the reduction in the number of holding pens as a means of reducing the capacity of the yards. To assist Shire officer's understanding of the use of the yards, correspondence was forwarded to all agents who have held a sale in the yards for the past eight years (extent of electronic records) as well as the local branches of the Western Australian Farmers Federation and Pastoralists and Graziers Association requesting their views on what impact any changes at the yards would cause.

The following notice was also placed in the 15th August edition of the Shire News requesting feedback from the general community:

The Shire of Kojonup has recently been made aware of the requirement to obtain a license for the operation of our existing Saleyards facility from the Department of Environment Regulation.

To assist Council to consider the implications to the community for licensing of this facility, the Shire has written to registered users of the facility requesting feedback regarding their usage; specifically what impact closing the facility or reducing the capacity of the yards would have on any or all of their operations within Kojonup and whether these needs can be met by an alternative facility or other selling method. If you have any comments to make, please do so in writing to the Shire by close of business 28th August 2014.

At the close of initial advertising the Shire received 6 formal written submissions which are attached (Attachment 12.1.3). Telephone contact from a local livestock transporter was also received and the CEO received a call from a retired farmer about the condition and history of the Saleyards.

The majority of respondents considered that the Saleyards were an important component of farm activities within Kojonup and that they should be retained and improved.

The Shire also attempted to obtain some information about the makeup of the sales at Kojonup specifically the origins of the sheep, particularly from the agents who are not located within Kojonup. This information was not able to be obtained prior to the September report or this report being finalized. However, the Shire did receive a call from a local transporter who indicated that last year they carted approximately 4200 sheep to a Kojonup sale from Katanning.

Following the September Ordinary Council meeting further correspondence was forwarded to all registered Avdata users (ie users of the truck wash down bay) who have used the facility in the last 18 months seeking their feedback. Three responses (all verbal) were received from transporters. One respondent believes that both the saleyards and the truck wash are important to their business and the Kojonup community at large. The other two respondents stated the importance of the truck wash but raised concerns about animal welfare at the yards, particularly with the requirements for stock to be off water and food prior to transport. One of the transporters raised Occupational Health and Safety concerns. These items are further explored below.

A survey (see Attachment 12.1.4) was forwarded to all RMBs and rural post office box holders of the Kojonup Post Office. This numbered 600 surveys. A copy of the survey was forwarded to Western Australian Farmers Federation, Pastoralists and Graziers Association and Elders Kojonup for electronic circulation to their members and customers. The survey was available on the Shire's website with links from the Shire's Facebook. At the close of submissions 54 surveys were received. An additional two surveys were received after closing, however have been able to be included in this report.

It is considered that the opinions on the pricing, or yard fees per head, of those using the yards currently be given more weight than those not currently using the yards. For this reason, the surveys have been reviewed in two data sets ie those who answered "Yes" to question 4(a) (summarized in Attachment 12.1.5) and those who answered "No" to question 4(a) (summarized in Attachment 12.1.6). The combined survey results have been summarized in Attachment 12.1.7.

From the 56 survey respondents 20 registered that they sold sheep at the yards. Of these 20, one was a business respondent, 16 were local farmers and three stated that they did not farm within the Kojonup Shire. The majority of these respondents (ie 16 out of 20) were prepared to pay up to \$1 for their use of the saleyards. Table 5 lists the responses by farmers to survey question 4b ie the number of sheep sold at the Kojonup Saleyards (where provided). This was an average of less than 500 sheep (ie between 460 and 490) sold per farmer per year at the Kojonup Saleyards. Given the lack of information provided by the selling agents on the makeup of the sales (on the origins of

sheep) and the information provided by a transporter, combined with the survey responses, this suggests that few farmers within Kojonup are using the Kojonup Saleyards to sell their sheep.

Non-Kojonup Farmers	Kojonup Farmers			
• 480	• 500	• 1000	• 250-300	• 300
• 250-400	• 100-150	• 600	• Varies	• 400-500
	• 1000	• 200	• Occasional (no number provided)	
	• 250	• 500-600		

Table 5 – Number of Sheep Sold at Kojonup Saleyards by Survey Respondents

Of the 36 respondents who did not use the yards to sell sheep 18 responded that they used the yards to top up loads or to drop off and pick up sheep. Of these 11 responded that they would be prepared to pay for this use.

The responses to the various requests for information has identified that the Saleyards are being used, in addition to the Special Sale days, to provide facilities for transporters to “top up” or adjust their loads. Farmers who don’t have the capability of hosting large trucks also drop their sheep off at the yards for pick up by transporters. In one of the survey responses, a transporter has indicated that they would be prepared to install yards at their depot to accommodate their top up needs. While the number and frequency of these types of uses have not been specifically provided this would further increase the throughput figures to over 10,000 animals/year.

- **Animal Welfare**

Under the *Animal Welfare Act 2002* the Shire, as the owner of the Kojonup Saleyards, is a “person in charge” of animals sold through the yards or placed temporarily at the yards pending transport. Offences of cruelty under this Act include not providing proper and sufficient food or water and not providing sufficient shelter, shade or protection from the elements. Under the Act the Shire needs to be able to demonstrate that it took “reasonable steps to ensure that the animals would be properly treated and cared for”. This also includes having provisions in place for euthanasia of injured stock. This might include having management agreements or conditions of hire or use or designated staff to oversee operations. The Shire has none of these measures in place currently.

The Shire’s liability is reduced where it can be demonstrated that it was not known, or could not reasonably be expected to know that the animals were at the place or the animal was not properly treated and cared for. If the Shire were to licence the facility it would need to be able to capture the intermittent use of the yards for temporary storage. Those users also have an obligation under the *Biosecurity and Agriculture Management Act 2007* to log the movements of these animals to and from the saleyards.

There is a *Code of Practice for Animals at Saleyards in Western Australia* (see attachment 12.1.8) that is administered by the Department of Agriculture and Food. Compliance with this Code of Practice is a defense against any charges or alleged breaches of the *Animal Welfare Act 2002*. The Shire’s existing yards would not comply with the Code of Practice relating to the provision of water. Prior to transport sheep are required to be off food and water for 12 hours. According to transporters it is not uncommon for sheep to be delivered on the previous day of a sale. As there are no lights at the yards and only two ramps, it is not uncommon that sheep are not moved until the day after the sale. As there are only four yards with access to water, this could mean that the sheep could be without water for over 48 hours.

Nationally, Animal Health Australia has developed a new guideline the “Australian Animal Welfare Standards and Guidelines for the Land Transport of Livestock”. This is proposed to be adopted for use in WA by mid-2015. This guideline will require that prior to transport animals be spelled for 36 hours ie provided with food and water where they have been off water for 48 hours.

Yards are required to be constructed so that they do not predispose stock to injury. The Kojonup yards contain weld mesh panels that are rusty. There is the potential, over time, that these yards could cause injury to stock. It is considered that the cattle yards, particularly the ramps, could cause injury to stock.

- Occupational Safety & Health

Worksafe have previously identified concerns at the Saleyards. These were largely resolved with the installation of the new sheep loading ramps in 2012. Other risks identified during in-house audits have included traffic movement within the site (ie interaction between trucks, pedestrians and other vehicles), site access, housekeeping (within the adjoining railway reserve) and the lack of amenities such as toilets and rubbish bins. Some of the respondents through the consultation process have also identified the lack of lighting as an issue.

Given the apparent cost implications it is considered necessary for Council to provide some direction as to their preferred course of action regarding the future of the Saleyards.

- Option 1 – Maintain the status quo

While the yards are used infrequently, the threshold for licensing has been exceeded. The need for licensing has been identified by the DER. It is considered that to ignore the requirement for licensing would leave the Shire open to further action from the DER, jeopardizing all of the activities undertaken by the Shire for the community.

While survey respondents have suggested lobbying government to change the threshold figures, it is considered unlikely that a State Government agency would change this threshold when there is a Regional saleyard less than 50km from the Kojonup Saleyards.

It is an offence under the provisions of the *Environmental Protection Act 1986* (the Act) to cause pollution. If proven, the Shire, as a Body Corporate under the Act, may be liable to penalties from \$250,000 to \$1 million and daily penalties from \$50,000.

Option 1 is therefore not recommended.

- Option 2 – Apply for an operating licence from the Department of Environment Regulation

If the Shire of Kojonup were to apply for an operating licence from the DER, it would be one of three Shire's within the Great Southern owning and operating a Saleyard facility. From officer investigations, it is clear that the Great Southern Regional Cattle Saleyards (Mt Barker) and the Katanning Regional Sheep Saleyard are identified as Saleyards of State significance. They were able to obtain funding from the State Government (and others) to facilitate improvements and clear outstanding debts (in the case of Mt Barker) and rebuilding (in the case of Katanning). The Saleyards in these Shires are standalone regional facilities, operating as independent business units and therefore not being supplemented by general rate revenue. They are also identified in the State Saleyard Strategy (prepared by the Western Australian Meat Industry Authority in 2003) as Primary Saleyards with a catchment area identified as an area 180km from the yards.

If Kojonup were to licence the saleyards, it would be required to achieve similar environmental emission targets as the Regional facilities without the current throughput of animals – creating a cost burden to ratepayers.

Saleyard fees for general sales are currently \$0.50 per head and for single vendors \$0.25 per head. **For the Kojonup Saleyards to be operated on a user pays system, in order to cover the cost of the Environmental Assessment alone based on an average annual throughput of 14,303, fees would need to be increased to at least \$1.31 per head. This fee does not include a consideration of any costs associated with required upgrades or maintenance costs associated**

with obtaining the licence or changes to facilitate improvements in animal welfare or occupational safety and health.

Given the proximity to the Katanning Regional Saleyards, who charge \$0.75 per head, and offer undercover yarding with water to all pens and user amenities such as toilets, a canteen and lighting it is considered unlikely that the competitive auction system available in Kojonup would be capable of covering these additional yard fees. **In addition, 84% of survey respondents (or 75% of those who currently sell sheep at the saleyards) have indicated that they would not use the yards if fees were increased above \$1. There would therefore be the risk of the Shire upgrading a facility that would not be utilised.**

Option 2 is therefore not recommended.

- Option 3 – Council sell or lease the existing asset to private industry

The lots containing the Saleyards (Lot 1 Soldier Road and Lot 3 Blackwood Road) are freehold lots, owned by the Shire and zoned under the Shire's Town Planning Scheme No. 3 for "Public Purposes". The Shire has the power to lease or sell any asset, following the requisite advertising contained within the *Local Government Act 1995*.

Using the Property Identification Codes currently assigned by the Department of Agriculture and Food for stock movement purposes a desktop review of the ownership structure of saleyards in the State was carried out. Attachment 12.1.9 outlines these findings. Those other "circuit saleyards" nominated as being Shire owned and operated were contacted. All indicated that sales were infrequent and well below the 10,000 animal threshold (and therefore the DER licensing threshold).

In the Shires of Boyup Brook, Capel and Serpentine-Jarrahdale the Shire owns, or has the care and control of, the land where the Saleyards are located. However, the Shires are not responsible for the operation of the yards in those areas and the market forces determine the fees and charges imposed by the relevant operators. In 2007 the Shire of Manjimup Saleyards were closed by Worksafe due to safety concerns. Four months later, four local farmers purchased the yards and invested in the improvements to retain their ability to sell cattle locally.

In one of the survey responses, a local transporter has indicated that they would be willing to construct yards in their transport depot to facilitate the occasional drop off and pick up for top up loads that the Kojonup Saleyards are being used for.

Prior to selling the asset, Council should consider if the existing site is the most appropriate location for a Saleyard. The Environmental Protection Authority document "Guidance for the assessment of environmental factors – Separation distances between Industrial and Sensitive Land Uses" recommends that livestock yards be located at least 1,000m from a sensitive land use, depending on size. Kojonup District High School, as well as the houses on Pensioner Road, Bilston Streets and immediately west of the saleyards would be within the 1,000m minimum recommended buffer distance.

In order to justify the licensing costs, it is likely that the number of sales would need to increase at the site. Given the proximity to sensitive land uses, **option 3 is not recommended.**

- Option 4 - Close the saleyards but retain the truck wash

Truck wash down bays are available 24 hours a day, 7 days per week at both the Great Southern Regional Cattle Saleyards and the Katanning Regional Sheep Saleyard to holders of a registered key.

Biosecurity has been recognized as a key concern by those who lodged a submission. With stock moving throughout the Shire, it is considered important that appropriate truck wash facilities are available, with discharges to the environment being managed responsibly.

Discussions with Stuart Smith of the Great Southern Regional Cattle Saleyards has highlighted that biosecurity is beginning to be further managed in New Zealand and the Eastern States by trucks having to have on board capacity to capture waste generated from the animals being transported. Trucks in those areas are required to arrange disposal of this waste material at a licensed facility. It is possible that similar requirements could apply to the transport industry in Western Australia in the coming years.

The Shire is fortunate to have available the ability to discharge waste water from the existing Truck Wash Down Bay to the Water Corporation's Waste Water Treatment Plant operated on a user pays system. There is also space available to improve animal manure stockpiles as well as redirect stormwater reasonably cost effectively, minimizing impacts on the environment and potential for pollution. If the Truck Wash Down Bay is not used in connection with the saleyards, there is no licensing obligation with the DER; with the Shire needing to meet only the Industrial Waste Permit requirements as issued by the Water Corporation.

With the proposed upgrades of the addition of settlement ponds at the Truck Wash, the water quality of the effluent discharged to the Water Corporation's Waste Water Treatment Plant will be improved, reducing the penalty charges currently imposed on the Industrial Waste Permit. During summer these ponds will act as evaporation ponds, reducing the volume of waste water discharged, resulting in a further reduction in the Industrial Waste Permit fees (volume discharged component).

The Show grounds have been identified as a possible saleyard site alternative. While numbers are currently limited to the yarding configuration, the roofed covered area would reduce the amount of waste water being generated from water coming in contact with animal manure. For biosecurity, some washing of the yards would be required and upgrades needed to facilitate onsite treatment. It is likely that the access routes to and from the existing shed would need to be improved to cater for transport vehicles. If the capacity was increased, the DER licensing obligations would then apply for the Show grounds venue.

Elders Kojonup's submission identified that local farmers are availing themselves to online, on farm and direct to market sales. This is further supported by the survey responses. While sheep numbers in the Shire are estimated to be 800,000, saleyard throughput figures suggest that less than 2% of sheep within the Shire are being sold through the Kojonup Saleyards. Those survey respondents whose farms were in Kojonup and sold sheep at the saleyards suggest that numbers from Kojonup farmers are low.

Assuming that engineering works will be required to redirect stormwater from the yards (eg one person, one day with grader at \$146/hour), installation of infrastructure (eg evaporation pond construction approximately \$5000, associated pipework \$600), added to the costs of an environmental assessment and provision of a chemical toilet (based on two sales), fees, on a user paid basis, would need to be increased **to at least \$1.85 per head**. This does not include any improvements to the yards to improve animal welfare or occupational safety and health or any environmental monitoring (eg bore testing) required to demonstrate licence compliance. As 84% of survey respondents have indicated that they would not be willing to pay more than \$1 it is not considered financially viable for the Shire to carry out these works, particularly with the added risk that the yards will not be utilised.

Given the costs associated in meeting the DER licensing obligations for the few sales conducted per year it is recommended that the Shire:

- Close the Kojonup Saleyards effective 1st December 2014 (to honour an existing booking)

- Authorise that the infrastructure (ramps, panels etc) be auctioned with the proceeds of sale used towards undertaking drainage improvements in and around the Truck Wash Down Bay to minimize the potential for offsite environmental impacts
- Retain the Truck Wash Down Bay

Option four is therefore recommended.

CONSULTATION

Craig McVee, Manager of Works & Services;
 Mort Wignall, Manager of Regulatory & Community Services;
 Anthony Middleton; Manager of Corporate Services;
 Alan Watkins, Building Surveyor;
 Vicki Davies, Opus Consultants;
 Caron Goodbourn, Department of Environment Regulation;
 Lesley Hart, Department of Environment Regulation;
 Sue Mills, Water Corporation Environmental Coordinator;
 Colin Dent, Shire of Capel;
 Maria Lane, Shire of Boyup Brook;
 Stuart Smith, Shire of Plantagenet (Saleyards Manager);
 Scott McKenzie, Shire of Esperance (regarding Esperance Truck Wash Down Bay operations);
 Rod Bushell, Katanning Saleyards;
 Jeff Miotti, Miotti Transport;
 George Church;
 Elders (Albany, Cranbrook, Katanning, Kojonup, Mt Barker);
 Westcoast Livestock;
 Wesfarmers;
 Kojonup Agricultural Supplies;
 Landmark Operations Limited;
 Kojonup Co-operative Ltd;
 Pastoralists and Graziers Association;
 Western Australian Farmers Federation;
 Frank House;
 Kerry Mickel, Elders Kojonup;
 Zambonetti Transport;
 Wiech Transport P/L;
 TE & MC Bairstow;
 Syd Matthews & Co;
 Stock Haul (WA) P/L;
 Simron Transport;
 RH & SJ Schinzig;
 Mukinbudin Transport;
 Mt Barker Transport Services;
 AM Matthews;
 Janlin Agribusiness;
 NL & MK Smart & Son;
 Daytona Investments;
 David Campbell Transport;
 DR & JM Wells;
 Cadalelup Farms;
 Auhls Transport;
 Broomehill Transport;
 Dave Saunders, Western Australian Meat Industry Authority;
 Jack Nixon, Stock Inspector, Livestock Biosecurity, Department of Agriculture & Food;
 Ken Ostle, Senior Inspector, Livestock Compliance Unit, Department of Agriculture & Food;
 Sam Camillo, Shire of Gingin;
 Alan George, Shire of Kondinin;

Brian Jones, Shire of Tammin;
Kylie Hammann, Shire of Carnamah;
Lauren Bosch, Shire of Corrigin;
John Mitchell, Shires of Bruce Rock and Merredin;
Jason Giadresco, Shire of Majimup;
Ben Poett;
Neville Matthews; and;
Survey Respondents x 56

STATUTORY REQUIREMENTS

Environmental Protection Act 1986 – outlines the licensing requirements as well as to prevent pollution to the environment.

Health Act 1911 – prescribes license conditions relating to the quality of effluent water able to be reused on the Town Oval.

Local Government Act 1995 – outlines the process for the sale of assets.

Animal Welfare Act 2002 – outlines the obligations for the welfare, safety and health of animals

Biosecurity and Agriculture Management Act 2007- outlines obligations of recording animal movement throughout the State

Occupational Safety and Health Act 1984 – places an onus to provide safe places and systems of work with an emphasis on continual improvement

POLICY IMPLICATIONS

Policy 2.1.9 Asset Management – Requires Council to consider the financial, economic, engineering and other practices to provide a level of service in the most cost effective manner. Licensing burdens are considered to be a significant financial consideration for the continued operation of the Kojonup Saleyards. While the licence fee itself is minimal, the environmental assessment and compliance burden are substantial, considering the few sales per year and the geographical proximity to a Primary Saleyard.

FINANCIAL IMPLICATIONS

If Council chose to licence the facility there would be an unbudgeted shortfall of \$14,000 initially to enable an Environmental Assessment report to be prepared for the DER to consider the licensing of the Saleyards. It is acknowledged that the Saleyards has minimal infrastructure relating to waste water treatment and retention. The extent of works required and additional unbudgeted funds will be further identified through the preparation of the Environmental Assessment Report.

This report has not considered the financial implications of any improvements to the Saleyards that would improve animal welfare standards or Occupational Safety and Health considerations for the operations.

STRATEGIC/CORPORATE IMPLICATIONS

The Shire has included a commitment of “Implement waste water and storm water reuse upgrades and assess the feasibility of a town catchment drainage plan” within its Community Strategic Plan. The retention of the Truck Wash Down bay and proposed improvements will assist towards this commitment. The proposed settlement ponds are also a component of the overall Regional project being undertaken with the Shire’s Southern Link VROC partners (ie Corporate Business Plan 2013-2017 – Strategy 1.2.3.1 – Explore opportunities within a regional framework to improve the use of wastewater and storm water for gardens, ovals and other recreation areas).

RISK MANAGEMENT IMPLICATIONS

The need for a licence has been identified by the DER. Failure for the Shire to take any action may result in formal action by the DER. The *Environmental Protection Act 1986* contains significant penalties; which if imposed, would jeopardise the Shire’s ability to provide other services and carry out other functions and services to the community.

ASSET MANAGEMENT IMPLICATIONS

Section 12 of the Shire's Asset Management Plan provides information regarding buildings and associated structures and acknowledges that *renewal has regard to the ability to service current demands and be fit for purpose, with a significant component of renewal due to changing needs, expectations and regulations that can often render buildings obsolete and bring forward replacement discussions*. While the Saleyards have not been identified in the forward capital expenditure plan, the implications of Regulation on the future use of the Saleyards needs to be considered.

VOTING REQUIREMENTS

Simple Majority

Note - If Council were to move an alternative motion to complete the Environmental Assessment then this would be unbudgeted expenditure and require an Absolute Majority of Council.

OFFICER RECOMMENDATION**That Council:**

- 1. Close the Kojonup Saleyards effective 1st December 2014.**
- 2. Instruct the Chief Executive Officer to refuse any additional booking requests for use of the Saleyards.**
- 3. Authorise the Chief Executive Officer to arrange for the disposal of the Saleyards infrastructure (ramps, panels etc) with some of the proceeds of sale used towards undertaking drainage improvements in and around the Truck Wash Down Bay.**
- 4. Retain the Truck Wash Down Bay for use by Stock Transport Vehicles only.**

COUNCIL DECISION

/14 Moved Cr

, seconded Cr

CARRIED/LOST

/

12.2 FINAL APPROVAL FOR TOWN PLANNING SCHEME No. 3 - AMENDMENT No. 11 TO REZONE LOT 200 TUNNEY ROAD, KOJONUP TO SPECIAL RURAL.

AUTHOR: Phil Shephard – Town Planner
DATE: Thursday, 2 October 2014
FILE NO: LP.PLN.20
ATTACHMENT: [12.2.1 Schedule of Submissions](#)
[12.2.2 Copy of Submissions](#)

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the submissions received from the advertising of the draft scheme amendment and determine whether to seek final approval, or not, to the amendment.

The scheme amendment proposes to change Lot 200 Tunney Road, Kojonup from the Public Purposes Reserve to Special Rural Zone and include the land within the adjoining Subdivision Guide Plan area.

The recommendation is to note the submissions received and seek final approval to the amendment.

BACKGROUND

The Council at its March 2014 meeting resolved to support the scheme amendment as the land was privately owned and was no longer required for an extension to the adjoining local Cemetery following a survey of available sites in 2013.



Lot 200 Tunney Road, Kojonup (image from Google Earth)

The amendment document was completed by staff and referred to the Environmental Protection Authority (EPA) for their assessment as required under the *Planning and Development Act 2005*. They advised of their decision 'scheme amendment not assessed (no appeals)' on 28 July 2014 and the amendment was then advertised for public submissions and referred to relevant government agencies and adjoining/nearby landowners with an invite to provide comments.

COMMENT

At the close of the advertising period, a total of 2 submissions were received. A Schedule of Submissions is attached to this report which includes a summary of the submissions and a recommendation on each submission for consideration.

No submissions were received objecting to the proposed scheme amendment and no change to the draft scheme amendment is considered necessary as a result of the submissions received. Given the lack of any objection to the proposed scheme amendment, it is recommended by staff that the Council proceed to seek final approval to the amendment.

The Council may choose to seek final approval or not to the amendment. The decision of the Council on the scheme amendment at this stage is effectively a recommendation to the WA Planning Commission, who will assess the amendment and process, and subsequently provide a recommendation to the Minister for Planning on whether to approve or refuse final approval to the amendment.

CONSULTATION

Following environmental clearance from the EPA, the amendment was advertised in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967* for submissions for a period exceeding 42-days (6 August – 29 September 2014). This included advertising the proposal in the Great Southern Herald and Kojonup News newspapers and displaying a notice of the proposal on the site and on the Shire's Public Notice Board and website.

The draft scheme amendment document was referred to Western Power, Water Corporation, Telstra and adjoining landowners with an invite to comment. The submissions received are discussed in the attached Schedule of Submissions.

STATUTORY REQUIREMENTS

The *Planning and Development Act 2005* & *Town Planning Regulations 1967* sets out the procedures to undertake an amendment to a Local Planning Scheme including referral to EPA, public notice period, referral to WAPC and Minister's decision-making powers.

The Shire of Kojonup Town Planning Scheme No. 3 is an operative Local Planning Scheme under the Act.

POLICY IMPLICATIONS

The item does not affect any Council Policies.

FINANCIAL IMPLICATIONS

The administration and advertising costs associated with the amendment are covered within the 2014/15 budget.

STRATEGIC/CORPORATE IMPLICATIONS

The item does not affect the Strategic or Corporate Plans.

RISK MANAGEMENT IMPLICATIONS

The rezoning does not adversely impact on vehicle or pedestrian safety.

ASSET MANAGEMENT IMPLICATIONS

No adjustment will be required to our road asset management plan.

VOTING REQUIREMENTS

Simple Majority

SHIRE OF KOJONUP TOWN PLANNING SCHEME No. 3 - AMENDMENT No. 11

SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Planning Comment	Submission Recommendation
1	Environmental Protection Authority Locked Bag 33 Cloister's Square PERTH WA 6850 (Government agency)	Scheme amendment not required to be formally assessed and not necessary to provide any advice or recommendations.	Nil.	The submission be noted.
2	Western Power 363 Wellington Street PERTH WA 6000 (Government agency)	Advise electricity transmission lines are adjacent to the site and will provide detailed comments.	There is no change to the existing electricity infrastructure network resulting from the proposed scheme amendment. The subject land is a freehold lot and any access to the network will be directly between the landowner and Western Power to resolve.	The submission be noted.



31 JUL 2016

Environmental Protection Authority

ICR 17152
SHIRE OF KOJONUP
LP PLN. 20

ACT	EC or HC	NPA	MCS	MCS
SR	SPQ	WMA	CDPO	PS
PSMA	SDA	PLAN	✓	

Chief Executive Officer
Shire of Kojonup
PO Box 163
KOJONUP WA 6395

Your Ref: LP.PLN.20
Our Ref: 14-865863
Enquiries: Stephen Pavey
Phone: 6145 0837

Attn: Mr Phil Shephard

Dear Sir/Madam

DECISION UNDER SECTION 48A(1)(a)
Environmental Protection Act 1986

SCHEME AMENDMENT TITLE: Shire of Kojonup Town Planning Scheme 3
Amendment 11 - rezone from Public Purposes
Reserve to Special Rural
LOCATION: Lot 200 Tunney Road
LOCALITY: Kojonup
RESPONSIBLE AUTHORITY: Shire of Kojonup
DECISION: Scheme Amendment Not Assessed (no
appeals)

Thank you for referring the above scheme amendment to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the EPA considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) and that it is not necessary to provide any advice or recommendations.

Please note the following:

- For the purposes of Part IV of the EP Act, the scheme amendment is defined as an assessed scheme amendment. In relation to the implementation of the scheme amendment, please note the requirements of Part IV Division 4 of the EP Act.
- There is no appeal right in respect of the EPA's decision to not assess the scheme amendment.

Level 4, The Atrium, 168 St Georges Terrace, Perth, Western Australia 6000
Telephone 08 6145 0800 Facsimile 08 6145 0895 Email info@epa.wa.gov.au

Locked Bag 10, East Perth WA 6892

www.epa.wa.gov.au

①

- This letter will be made available to the public on request.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Darren Foster', with a stylized flourish at the end.

Darren Foster
Director
Strategic Policy and Planning Division

28 July 2014

Phil Shephard

From: Kelly Stasiw <kelly.stasiw@westernpower.com.au> on behalf of Customer Service Centre SSR <customer.service.centre.ssr@westernpower.com.au>
Sent: Wednesday, 13 August 2014 10:08 AM
To: council
Subject: ICR17210 - SHIRE OF KOJONUP - RE REFERRAL OF TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 11
Attachments: Fast scan to a B&W PDF file_483.PDF

Dear Rick

Thank you for submitting the above due diligence request to Western Power for a response.

As there is/are overhead/underground distribution/transmission lines/cables/easement adjacent to your proposed works, Western Power will review your request and provide detailed comments.

Please note that this email should not be considered to be an approval or non-objection to works. It is not advisable to commence with your works until you have received further comment from Western Power.

General Worksafe Information:

As there are overhead power lines and/or underground cables, adjacent to or traversing the property the following should be considered prior to any works commencing. This information should be considered when planning works although it should be noted that the provision of this safety information does not indicate an approval of these works to proceed.

It is responsibility of the person in control of the workplace to ensure that works comply with regulation 3.64 (1) and (2) of the Occupational Health Regulations 1996. These regulations state that a minimum distance must be maintained from the overhead line during the course of any works. The person in control of the workplace is responsible for ensuring no personnel, plant, or material encroaches within the danger zone around the lines. The responsible person must assess their work methods and decide whether they can maintain this minimum separation. You need to be aware that the line will sag under the influence of temperature (either ambient or due to current flow) and deflect under the influence of the wind. You cannot reliably base an assessment of the expected clearance on the static position of the line.

For more information on this please visit the website links below:

http://www.westernpower.com.au/safety/WorkingAroundPowerLines/working_near_electricity.html
<http://www.westernpower.com.au/safety/DialBeforeYouDig.html> or www.1100.com.au
<http://www.commerce.wa.gov.au/WorkSafe/>

Western Power is obliged to point out that any change to the existing power system, if required, is the responsibility of the individual developer.

If you have further questions please contact Western Power on 13 10 87.

Kelly
 Customer Service Coordinator
 Customer Assist
 Western Power - 363 Wellington Street Perth WA 6000 [map]

T: 13 10 87 | F: (08) 9225 2660
 E: enquiry@westernpower.com.au
 W: westernpower.com.au
 Twitter: twitter.com/westernpowerwa



13 EXECUTIVE & GOVERNANCE REPORTS**13.1 KODJA PLACE PRECINCT**

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
 DATE: Tuesday, 7 October 2014
 FILE NO: GO.CNM.9
 ATTACHMENT: Nil

DECLARATION OF INTEREST

Cr John Benn as President of Kojonup Tourist Association

SUMMARY

To provide Council an update for endorsement regarding actions needed to be undertaken to achieve outcomes listed in the Kodja Place Strategic Plan including consultation with stakeholders.

BACKGROUND

Council Decision 47/14 adopted at the 15 April 2014 Council Meeting listed the Key Result Areas for 2014/2015. The table below provides current status/resourcing requirements and time frames for Council's information:-

Action	Status/Resourcing Requirements	Time Frame
Improved Strategic Planning	Draft Strategic Plan adopted at Council Meeting held 16 September 2014 following extensive deliberations by KPAC.	Completed
Increase Noongar presence and involvement including traineeships/employment opportunities	No formal agreement exists as to KAC involvement or Jack's Tours. Needs to be rectified as a priority! Craig McVee and CEO have met with Traineeship/Employment Consultants regarding Tourism & Hospitality traineeships and awaiting information.	October – December 2014
Extensive Cost/Benefit Analysis between existing and potential uses	Correspondence issued to GSDC to contribute \$5000 towards preparation of a Business Plan which is coordinated via Special Projects Officer including compliance, process, procedure, systems analysis, communications and future planning considerations.	October – December 2014
Increase resource allocations such as IT upgrade in order to remain current and interactive	Margaret Robertson, Hannah Watkin and Manager Corporate Services progressing same following extensive consultation with multi media experts and Museum WA contacts as needs analysis will impact on Financial Review and access to external funds in order to achieve desired outcomes.	Ongoing with bi monthly updates provided to CEO/KPAC
Forward maintenance and capital works programs	Manager Regulatory & Community Services, Senior Projects Officer, CEO, Manager Corporate Services and Manager Works & Services presently identifying and prioritising future program which forms part of Long Term Financial Plan for KPAC/Council consideration.	No later than March 2015
Reinvigorate Marketing, Promotion, Events Management & Planning, accessioning, displays etc.	Kodja Place Precinct Manager upon appointment will address Marketing, Promotion and Events Management & Planning. Margaret Robertson and team progressing accessioning/displays as part of IT/Multi Media	Proposed February 2015

	upgrade.	
Training, skills development and succession planning	Will form part of Work Force Planning undertaken by Council including requirements of volunteers.	Proposed February 2015
Clearly established processes, systems, procedures that eliminate duplication	Forms part of Council's IT Upgrade, Risk, Compliance/Financial Review being coordinated by Senior Projects Officer.	No later than March 2015
Effective governance	Council, CEO and Advisory Committee to engage with stakeholders including volunteers to ensure there is no misunderstanding of the need for change and how change will occur. Important to emphasise that change is an opportunity to improve not a threat!	Ongoing

COMMENT

Substantial research has been undertaken by officers in conjunction with the Kodja Place Advisory Committee (KPAC) to understand and appreciate the importance of Kodja Place and the need to realise the purpose now highlighted in the Strategic Plan.

Council has ensured the community remains updated by publishing items in the Kojonup News and on the Council website.

Clarification on the intent/legal compliance surrounding the MOU and Café Lease Agreements was addressed in correspondence from McLeods dated 28 May 2014 which was the subject of a formal presentation by Jennifer Long - Contracts and Agreements Specialist at a Special Briefing Session held 29 May 2014.

The CEO met with Black Cockatoo lessee, Andrew Paice on 6 October 2014 and the Shire President and CEO met with Kodja Place Community Fund Inc. (KPCF Inc.) members, Will Harvey and Roger Bilney on 8 October 2014 to discuss current Lease Agreements and compliance aspects as well as ensuring the integrity of the KPCF was maintained to ensure a minimum balance was held to specifically leverage external funds for the Kodja Place Precinct. The Café Lease Agreement is the subject of a separate report.

The Shire President and CEO have also discussed with Mr Bruce Manning, CEO – GSDC that Council via the CEO, Manager of Corporate Services and Special Project Officer are undertaking the next phase of the Kodja Place Precinct Review Process between now and December 2014 which includes a Risk Management, Compliance and Financial Review and the development of a Business Plan addressing various operational aspects and future Capital requirements to ensure the precinct has the capability to meet visitor expectations.

CONSULTATION

Council and the KPAC have attempted at all times to adopt and implement an integrated consultative approach in preparing the Strategic Plan but also to allay any concerns regarding the inter relationship of users. It is very important to recognise a visitor's perspective of Kodja Place as they do not necessarily focus on demarcation but more importantly on customer service, quality of presentation/exhibits/activities/amenities, interpretation and interaction in order to gain an overall experience which either does/does not meet their expectations.

Visitors do not necessarily focus on the number of volunteer hours devoted to ensure accessioning is undertaken, multimedia and static displays operate effectively, Rose Maze is looking immaculate, etc., as the first visitor impression could be the quality of the car park which presently has the area adjacent to the Albany Highway sealed and the main car park near the Rose Maze gravelled. Alternatively, visitors may question why the café for example does not include multimedia encouraging them to tour the gallery and story place!

Visitor/stakeholder perception and expectations may differ however the one constant is the quality of the product!

STATUTORY REQUIREMENTS

Local Government Act 1995

WA Tourism Act Commission Act 1983

Corporations (Aboriginal and Torres Strait Islander) Act 2006

Copyright Act 1968

Commercial Tenancy (Retail Shops) Agreements Act 1985

Heritage of Western Australia Act 1990

Property Law Act 1969

Land Valuers Licensing Act 1978

Goods and Services Tax Act 1999

POLICY IMPLICATIONS

Policy 1.2 – Community Funding Program (Capital & Operating) which aims to provide a framework for the provision of funding which meets Council's Strategic objectives in facilitating community development initiatives.

Policy 3.16 – Community Consultation Charter which aims to reflect Council's commitment to open and effective consultation with the community in the process of making important decisions about the wellbeing of the community.

FINANCIAL IMPLICATIONS

To ensure "value for money" outcomes for ratepayers and users of the facility improving performance, reducing operational costs, increasing revenue streams and knowing the true cost of business are challenges Council and the Advisory Committee are prepared to undertake however it will require access to external funding to realise the IT/Multi Media upgrades and future capital improvements. Discussions are occurring with external fund providers to ascertain how Council, Advisory Committee and Stakeholders can meet and exceed application criteria allowing development plans to be realistically achieved rather than raising unrealistic expectations!

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013-2023

Focus Area 1.5 – Staying Active & Entertained

Corporate Business Plan 2013–2017

Strategy 1.5.1.1 – Establish a User Advisory Committee to make recommendations to improve the utilisation of Kodja Place.

Strategic Goals from Kodja Place Strategic Plan 2014:

Strategic Goal	Actions (how will the Goal be achieved)	Responsibility	Status
To enhance and improve the cultural experience for all visitors	<ul style="list-style-type: none"> • Upgrade multimedia • Update and enhance selected display elements • Commence works on completing displays in Storyplace i.e. Workshop/Farm Office • Photo database - keywords • Develop Intranet site content – (Stage 1) • Improve signage out of town 	CEO, Kodj Gallery/Story Place Coordinator	Margaret Robertson progressing and providing updates at KPAC Meetings.
Greater Noongar presence	<ul style="list-style-type: none"> • Obtain funding for traineeships • Mentoring by internal/external parties • Engagement • Long term programs/employment 	CEO/KAC	<p>Rick and Craig have held discussions with Workplace/Employment Agencies regarding level of assistance available for Tourism and Hospitality Traineeships at Kodja Place.</p> <p>Awaiting verified proposals for further consideration. Craig has contacted Michael Carter – Dept. of the Prime Minister and Cabinet regarding Indigenous Advancement Strategy Guidelines to enable funding application to be prepared.</p>
Management restructure	<ul style="list-style-type: none"> • Form advisory Committee • Agreement on way forward • New agreements • Compliance • Engage Manager for business <ul style="list-style-type: none"> ○ Individuals ○ Company 	Council /CEO/ KPAC	<p>CEO to progress advertising for KP Manager position with aim of announcing successful applicant December 2014.</p> <p>CEO presenting reports and discussion papers to Council regarding current agreements and legal compliance following presentation to Council in May 2014.</p>

Marketing of events	<ul style="list-style-type: none"> • Upgrade IT including “What’s on” page updates within Kodja Place website • Smartphone app • Uniform signage/branding • Current marketing plan/strategy • Event planning and promotion 	KP Manager, ICT Coordinator, Community Services	<p>Hannah Watkin coordinating website, Smart Phone, Highway signage in conjunction with IT Upgrade in collaboration with Margaret and her team with updates provided at KPAC Meetings.</p> <p>Council via Corporate Services progressing installation of a microwave radio network link to Kodja Place, Works Depot & Springhaven with Council.</p>
Risk Management plan	<ul style="list-style-type: none"> - Identify risks <ul style="list-style-type: none"> ○ Building maintenance/renewal ○ Staff/volunteers 	Manager Corporate Services + Senior Projects Officer	<p>Fair Value Assessment of all Council Buildings recently undertaken by Griffin Consultants. Report to Council – November 2014.</p> <p>Risk Management Workshops and Assessment to be undertaken by Heather Sheppard during October 2014 with KPAC/Volunteers.</p>
Strategic Alliances/Partnerships	<p>Partnering with other providers</p> <p>Aligning with local providers</p>	CEO, KP Manager, Advisory Committee	<p>Council has undertaken discussions with GSDC on possible funding avenues. Manager Corporate Services + Senior Projects Officer undertaking comprehensive Financial Analysis and Business Plan for Kodja Place incorporating Visitor Information Centre, Black Cockatoo Café, Kodj Gallery and Story Place, Community Fund Inc. and Kojonup Aboriginal Corporation to ascertain (where possible) the extent of activities presently being undertaken, cost/benefit analysis, compliance and sustainability.</p>
Engage younger people	Youth Council, Facebook, high school, competition for community regarding what their areas are to improve	KP Manager + Community Services	On-going

RISK MANAGEMENT IMPLICATIONS

Progressing Governance and Compliance requirements to ensure commercial and tourism activities/events/displays/functions/marketing and promotion meet regulatory, policy and reporting requirements.

Strategic Risk Register – Council considerations include but not limited to the following:

- Resource to better manage grant application and access to external funding;
- Volunteer Training;
- Personnel with correct skill set;
- IT skills;
- Wages pressures;
- Unable to take advantage of technological improvements;
- Reliance on volunteers v demand;
- Failure to manage infrastructure;
- Lack of Infrastructure audits;
- Whole of Life costs;
- Cost Shifting;
- Informed Decision Making;
- Non-compliance;
- Lack of policies & procedures;
- Tourism Strategy; and
- Integrated approach to strategies.

ASSET MANAGEMENT IMPLICATIONS

Whole of Life considerations, Integrated planning, Structural Integrity, “Fit for Purpose” considerations, Business continuity and rates impact.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

- 1. The Chief Executive Officers Report be received; and**
- 2. Council endorse the Action/Status/Time Frames as listed against the Kodja Place Precinct Key Result Areas required for the 2014/15 Financial Year.**

COUNCIL DECISION

/14 Moved Cr , seconded Cr

CARRIED/LOST /

13.2 2014 WORKFORCE PLAN (REVIEWED)

AUTHOR: Heather Sheppard – Senior Project Officer
 DATE: Tuesday, 7 October 2014
 FILE NO: PE.EST.1
 ATTACHMENT: 13.2 Updated Workforce Plan 2014

DECLARATION OF INTEREST

Nil

SUMMARY

To obtain Council endorsement to adopt the revised Workforce Plan 2014.

BACKGROUND

Council adopted the Shire of Kojonup Workforce Plan 2013-2017 on 15 October 2013. The Plan has been reviewed after the release of the draft Great Southern Workforce Development Plan and a review conducted of the strategies to meet future workforce needs has been updated to reflect the current status of each goal.

COMMENT

The draft Great Southern Workforce Development Plan is consistent with the current Workforce Plan in terms of labour availability and the Great Southern Regional profile. Further information has been included in relation to a description of Workforce Planning but more importantly the benefits of same. An updated Organisational Structure together with the list of duties for all staff has been included. As has been previously reported, the ageing of the workforce is one of the biggest challenges facing regional Western Australia and in this regard, the graphs have been updated to show an increase in the age of the workforce for individual departments and can be summed up by the graph on page 12 of the updated Workforce Plan where in 2013 the average ages were as follows against the average ages for 2014:

	2013	2014
Springhaven	42	44
Depot	45	50
Office	40	43

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Local Government (Administration) Regulations 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC/CORPORATE IMPLICATIONS

Corporate Business Plan 2013-17

1.1: Being Well Governed

1.1.3.1 Explore shared services options with neighbouring local governments to improve efficiencies.

1.1.3.3 Commit appropriate staff and resources to be a leader of regional planning, initiatives, and services.

1.3.3.1 Promote the opportunities for traineeships and apprenticeships within local government.

Compliance with the *Local Government (Administration) Regulations 1996*.

Nil

Simple Majority

That Council adopt the revised Workforce Plan 2014.

/14 Moved Cr , seconded Cr

CARRIED/LOST /

13.3 KODJA PLACE - STORYPLACE – LOAN AND COPYING OF IMAGE / OBJECT FORM AGREEMENT REVIEW

AUTHOR: Margaret Robertson - Gallery/Storyplace Coordinator
Rick Mitchell-Collins – Chief Executive Officer

DATE: Monday, 13 October 2014

FILE NO: LS.ADV.2

ATTACHMENTS: 13.3.1 McLeods – Letter dated 25 August 2014
13.3.2 ATTACHMENT (A) -Agreement between Shire of Kojonup and lender of image(s) for The Kodja Place, and receipt for image(s)
13.3.3 ATTACHMENT (B) - Image Information Sheet (for non-professional images such as photographs, slides, plans, maps, drawings or paintings)
13.3.4 ATTACHMENT (C) - Response to McLeods’ seven recommendations

DECLARATION OF INTEREST

Nil

SUMMARY

To seek Council approval to maintain access to fabulous local photos and other images which have the consent of lenders for use at Kodja Place.

BACKGROUND

Fourteen years ago Margaret Robertson sought the assistance of Sally-Anne Hasluck, a consultant historian with considerable museum experience, in the preparation of loan forms that volunteers would use when borrowing images and objects from local people for The Kodja Place displays.

The loan forms were used extensively during 2000 to 2003. To Margaret’s knowledge no issues have arisen with lenders as a result of these forms or the process of borrowing images or objects for The Kodja Place displays. This is significantly due to the trust between the lenders, the volunteers who collected the photos and objects, and the Shire.

During the 2000 to 2003 period, some 5,750 images from 131 lenders were lodged in The Kodja Place photo database. Most of the photos were collected by volunteers from members of the local community. This process often involved the volunteer meeting the lender in their home and discussing what type of photos we were seeking for the displays and together looking through photo albums and boxes. Once a selection had been made, the volunteer and lender usually filled out the paperwork, but to a varying standard across the many participants. No doubt there are gaps in the paperwork and we’ll undercover this more and more as we develop new stories from this material.

COMMENT

With the current impetus to rejuvenate The Kodja Place galleries and community involvement, it was recognised several months ago that it was time to review the forms and check for any required updates and improvements to ensure the Shire meets its legal obligations to lenders and minimises the risk to ratepayers.

The importance of using plain language and taking into account the context in which the forms would be used was essential recognising that:

- The vast majority of photos would be collected from family photo albums held by local community members;
- The task of talking with and gathering photos from lenders would usually be handled by volunteers (with neither party likely to be trained in copyright or privacy law);
- There is expected to be a high level of trust between the lenders, the volunteers gathering the photos, and the Shire; and
- The purpose for which the photos would be gathered is community-based and not-for-profit.

Two revised image forms were prepared:

- ‘**Agreement between Shire of Kojonup and lender of image(s) for The Kodja Place, and receipt for image(s)**’ (see Attachment A)
- ‘**Image Information Sheet**’ (see Attachment B).

Margaret passed the revised image forms to the CEO who then sought the advice of McLeods Barristers & Solicitors. McLeods has now provided its advice. The main focus of McLeods advice concerns the law about copyright and moral rights of authors, such as photographers and artists.

After careful consideration of McLeods advice, Margaret has revised these forms with further input from another lawyer, which were subsequently recommended by the The Kodja Place Advisory Committee at its meeting held 9 October 2014 for adoption by Council.

CONSULTATION

Kodja Place Advisory Committee

McLeods Barristers & Solicitors

STATUTORY REQUIREMENTS

Copyright Act 1968

Property Law Act 1969

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Costs of Legal compliance forms part of operational budget for Kodja Place as dealing with public property for display purposes in Gallery & Story Place.

STRATEGIC/CORPORATE IMPLICATIONS

Corporate Business Plan 2013–2017

Strategy 1.5.1.1 – Establish a User Advisory Committee to make recommendations to improve the utilisation of Kodja Place.

Kodja Place Strategic Plan 2014

To enhance and improve the cultural experience for all visitors

RISK MANAGEMENT IMPLICATIONS

Endeavour where possible to ensure images, items, etc. used for display and other purposes at Kodja Place have been duly authorised by the lender for such purposes to reduce &/or eliminate copyright disputes.

ASSET MANAGEMENT IMPLICATIONS

Possession of an accurate data base and records system to identify ownership/lender items, images, objects, etc. and use thereof.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION**That Council adopt:**

- **ATTACHMENT (A) - Agreement between Shire of Kojonup and lender of image(s) for The Kodja Place, and receipt for image(s);**
- **ATTACHMENT (B) - Image Information Sheet (for non-professional images such as photographs, slides, plans, maps, drawings or paintings); and**
- **ATTACHMENT (C) - Response to McLeods' recommendations.**

COUNCIL DECISION

/14 Moved Cr , seconded Cr

CARRIED/LOST /

13.4 CLOSURE OF SHIRE OFFICE AND LIBRARY OVER 2014/2015 CHRISTMAS/NEW YEAR

DATE: Monday, 13 October 2014
AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
FILE NO: CM.PRO.1
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

To approve the Office and Library closure over the 2014/2015 Christmas and New Year period.

BACKGROUND

Closing the Office and Library temporarily for a few days over the Christmas and New Year holiday period has become normal practice in recent years. A similar approach is once again suggested for the 2014/2015 period.

COMMENT

It is proposed that the Office will be closed for the Christmas / New Year break from 2.00pm on Wednesday 24th December 2014 and reopen on Monday 5th January 2015 at 8.30am.

CONSULTATION

The proposed closures will be advertised in the local press once approved by the Council.

STATUTORY REQUIREMENTS

There are no known statutory requirements.

POLICY IMPLICATIONS

There are no known policy implications.

FINANCIAL IMPLICATIONS

The financial costs will be minimal – advertising.

STRATEGIC/CORPORATE IMPLICATIONS

As the annual Christmas/New Year period is usually quiet and is an opportunity for staff to take annual leave, as required. This has been accepted practice in the past.

RISK MANAGEMENT IMPLICATIONS

Staff use accrued leave therefore reducing leave liability to the Shire and enabling staff to have a stress free break knowing the office is closed during this time.

ASSET MANAGEMENT IMPLICATIONS

There are no implications on the asset management plan.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That approval be granted to close the Office and Library for the Christmas / New Year break from 2.00pm on Wednesday 24th December 2014 and reopen on Monday 5th January 2015 at 8.30am and that local notice be given as required.

/14 Moved Cr , seconded Cr

CARRIED/LOST /

14.2 KODJA PLACE ADVISORY COMMITTEE

OFFICER RECOMMENDATION

That the attached unconfirmed minutes of the Kodja Place Advisory Committee held Thursday 9th October 2014 be received by Council.

COUNCIL DECISION

/14 Moved Cr , seconded Cr

CARRIED/LOST /

14.3 KOJONUP TOURIST RAILWAY

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
 DATE: Thursday, 11 September 2014
 FILE NO: RC.MUS.4
ATTACHMENTS: 14.3 2014 Rail Safety Compliance Audit

DECLARATION OF INTEREST

Cr Ned Radford in his capacity as President of the Kojonup Tourist Railway Inc.

SUMMARY

To present to Council the Kojonup Tourist Railway Inc. 2014 Rail Safety Audit findings for formal approval.

BACKGROUND

It is a requirement of the *Rail Safety Act 2010* for the Director of Rail Safety to undertake an annual audit to ascertain the Shire of Kojonup and Kojonup Tourist Railway Inc. (KTR) compliance with section 84 of the Act and the “Kojonup – Farrar Railway Order 2002.” This is the 11th compliance audit conducted by the Office of Rail safety since KTR was accredited on 25 September 2003.

COMMENT

The KTR Committee continues to comply with the Audit Provisions in its endeavours to provide a Tourist Railway that links Kojonup with the Farrar Reserve which is included in the Municipal Heritage Inventory. For a small committee the KTR members have worked tirelessly to extend and upgrade the railway line which is commendable.

CONSULTATION

Auditor – Chris Green & Colin Miller – Office of Rail Safety

Kojonup Tourist Railway

Cr John Benn & CEO

STATUTORY REQUIREMENTS

Rail Safety Act 2010

“Kojonup – Farrar Railway Order 2002”

Department of Local Government – Integrated Planning (Plan for the Future requirements under the *Local Government Act 1995*)

POLICY IMPLICATIONS

No formal policy, lease or agreement other than the Kojonup-Farrar Railway Order 2002 exists.

FINANCIAL IMPLICATIONS

Council presently allocates \$17,800 as indicated below; however there is no provision for plant, equipment, building, line infrastructure maintenance or replacement and what affect this may have on Council’s Long Term Financial Planning.

Council’s 2014/2015 Budget makes the following provisions for KTR and Benn Parade:-

• COA8042 Insurances	\$7,500
• COA6382 Railway Reserve Conveniences	\$2,800
• COA6394 Ground Mtce	<u>\$7,500</u>
Total	<u>\$17,800</u>

STRATEGIC/CORPORATE IMPLICATIONS

Requires further consideration via workshop to ascertain strategic direction, SWOT analysis, sustainability, business/marketing planning and governance aspects.

The Community Strategic Plan 2013 -2023 does not specifically mention KTR other than as an enabling service under Focus Area 1.5: *Staying Active and Entertained*.

RISK MANAGEMENT IMPLICATIONS

Operational aspects of the KTR remain compliant with Rail safety Audit requirements however as recognised through the Kodja Place Review, Council is ultimately responsible to comply with the Order and Rail Safety Act for example:

- 1) Lay solid foundations for management and oversight,
- 2) Structure Management Committee to add value,
- 3) Act ethically and responsibly,
- 4) Safeguard integrity in reporting,
- 5) Make timely and balanced disclosure,
- 6) Respect the rights of stakeholders,
- 7) Recognise and manage risk.

Council's Senior Project Officer will progressively address Risk Management requirements with organisations such as KTR over the next 3 months.

ASSET MANAGEMENT IMPLICATIONS

As indicated under financial implications should KTR membership restrict longevity and sustainability is Council prepared to accept responsibility for the completion of the rail line to the Farrar Reserve or indeed maintain and operate the existing activities/operations given that ownership of rolling stock may be via individuals and not necessarily vested in KTR?

There is no provision for Asset Replacement of Rolling stock, Line Infrastructure or Buildings despite the Railway Station being included on the Municipal Heritage List. It appears that upon the granting of the "Kojonup-Farrar Railway Order 2002" Council effectively passed responsibility onto the KTR to operate and undertake activities and maintain facilities, however with such a small membership base the "what if" scenario's outnumber the knowns which is not prudent strategic planning and is the subject of a separate report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the 2014 Rail Safety Compliance Audit of the Shire of Kojonup (Kojonup Tourist Railway) be received.

COUNCIL DECISION

/14 Moved Cr

, seconded Cr

CARRIED/LOST

/

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 NEW BUSINESS

(of an urgent nature, introduced by a decision of the meeting).

17 CONFIDENTIAL REPORTS

- 17.1 GOVERNANCE – DEED OF EASEMENT R & J GOODALL (OFFER OF PURCHASE)
 17.2 KODJA PLACE COMMUNITY FUND INC.

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
 DATE: Friday, 10 October 2014
 FILE NO: CP.ACD.2
 CP.REG.1
 A10215

ATTACHMENT: 17.1 Confidential Report & Attachment
 17.2 Confidential Report & Attachments

SUMMARY

Correspondence is attached from R & J Goodall expressing a desire to sell the Deed of Easement used by the Kojonup Tourist Railway Inc. (KTR) situated between Pensioner and Soldier Roads Kojonup. Consideration is required from Council on the Strategic importance of purchasing the land.

To update Council on the status of existing Lease/Sublease Agreements in relation to the Black Cockatoo Café and discussions undertaken with representatives of the Kodja Place Community Fund (KPCF) and Andrew Paice of agreed actions required to address issues raised by the CEO and verified by Legal Advisor – McLeods Barristers & Solicitors.

STATUTORY REQUIREMENTS

Section 5.23(2) of the Local Government Act 1995 permits the Council to close a meeting, or part of a meeting, to members of the public if the meeting deals with any of the following:

- (a) a matter affecting an employee or employees; and
- (b) the personal affairs of any person; and
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
- (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
- (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and
- (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*.

Subsection (3) requires a decision to close a meeting, or part of a meeting, and the reason for the decision to be recorded in the minutes.

VOTING REQUIREMENTS

Simple Majority

CARRIED/LOST /

18 NEXT MEETING

Tuesday, 18th November 2014 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 pm.

20 ATTACHMENTS (SEPARATE)

- Item 10.1 Monthly Statement of Financial Activity
- Item 10.2 Monthly Payment Listing 01/09/2014 – 30/09/2014
- Item 10.3 Information Statement 2014/2015
- Item 12.1.1 Site Plan - Locality Plan
- Item 12.1.2 Example Licences
- Item 12.1.3 Submissions
- Item 12.1.4 Sheep Saleyards Survey
- Item 12.1.5 Sheep Saleyards Survey Summary A
- Item 12.1.6 Sheep Saleyards Survey Summary B
- Item 12.1.7 Sheep Saleyards Survey Summary C
- Item 12.1.8 Code of Practice for Animals at Saleyards in Western Australia
- Item 12.1.9 Saleyards in Western Australia
- Item 13.2 Updated Workforce Plan 2014
- Item 13.3.1 McLeods – Letter dated 25 August 2014
- Item 13.3.2 ATTACHMENT (A) -Agreement between Shire of Kojonup and lender of image(s) for The Kodja Place, and receipt for image(s)
- Item 13.3.3 ATTACHMENT (B) - Image Information Sheet (for non-professional images such as photographs, slides, plans, maps, drawings or paintings)
- Item 13.3.4 ATTACHMENT (C) - Response to McLeods' seven recommendations
- Item 14.1 Unconfirmed Audit Committee Minutes – Tuesday 16th September 2014
- Item 14.2 Unconfirmed Kodja Place Advisory Committee Minutes – Thursday 9th October 2014
- Item 14.3 2014 Rail Safety Compliance Audit
- Item 17.1 Confidential Report & Attachment
- Item 17.2 Confidential Report & Attachments