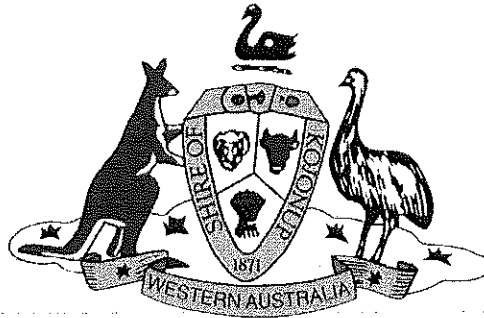


# SHIRE OF KOJONUP



## Council Agenda

*15<sup>th</sup> October 2013*

**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 15<sup>th</sup> October 2013 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**

10 October 2013

**SHIRE OF KOJONUP****AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 15<sup>th</sup> October 2013****TABLE OF CONTENTS**

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## 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 & LEAVE OF ABSENCE**

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

Mr Rick Mitchell-Collins	Chief Executive Officer
Mr Mort Wignall	Manager of Regulatory & Community Services
Mr Craig McVee	Manager of Engineering & Works
Mrs Heather Marland	Acting Manager of Corporate Services
Ms Carol-Ann Grazier	Senior Ranger
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 17<sup>th</sup> September 2013

COUNCIL DECISION

/13      Moved Cr \_\_\_\_\_, seconded Cr \_\_\_\_\_ that the Minutes of the Ordinary Meeting of Council held on 17<sup>th</sup> September 2013 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:                    Heather Marland – Acting Manager of Corporate Services  
DATE:                        Tuesday, 8 October 2013  
FILE NO:                    FM.FNR.2  
ATTACHMENT:            10.1 Monthly Statement of Financial Activity 1st July 2013 to 30<sup>th</sup>  
   September 2013  
   10.1 Appendix A – Springhaven Aged Care Facility Monthly Statement of  
   Financial Activity 1st July 2013 to 30<sup>th</sup> September 2013

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To accept the Monthly Statement's of Financial Activity for the periods of 1st July 2013 to 30<sup>th</sup> September 2013.

**BACKGROUND**

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

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

**COMMENTS**

The attached Statement of Financial Activity for the period of 1<sup>st</sup> July 2013 to 30<sup>th</sup> September 2013 show a solid position with 74.26% of rates collected and a total amount of cash holdings of \$5,751,847.73 of which \$2,600,436.47 is held in fully cash backed Reserves as at to 30<sup>th</sup> September 2013.

**CONSULTATION**

Nil.

**STATUTORY ENVIRONMENT**

Financial Management Regulation 34 sets out the basic information which must now be included in the monthly reports to Council. Financial Management Regulation 33A sets out the requirements with respect to the Review of Budget.

**POLICY IMPLICATIONS**

None applicable.

**FINANCIAL IMPLICATIONS**

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



**10.2 MONTHLY PAYMENTS LISTING**

**AUTHOR:** Heather Marland – Acting Manager of Corporate Services  
**DATE:** Tuesday, 8 October 2013  
**FILE NO:** FM.AUT.1  
**ATTACHMENT:** 10.2 Monthly Payment Listing

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To receive the list of payments that were made from 1<sup>st</sup> September 2013 to 30<sup>th</sup> September 2013.

**BACKGROUND**

Not applicable.

**COMMENT**

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

**CONSULTATION**

No consultation was required.

**STATUTORY ENVIRONMENT**

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

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

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

**POLICY IMPLICATIONS**

Council's Policy 2.5 provides authorities and restrictions relative to purchasing commitments.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority from 1/9/2013 to 30/9/2013 comprising of Municipal Cheques 12867 to 12897, EFT's 10844 to 10942 and Internal Payment Vouchers 4487 to 4515 totalling \$571,181.84 and as attached to this agenda, be received.

## COUNCIL DECISION

/13      Moved Cr      , seconded Cr

CARRIED/LOST

**11 WORKS & ENGINEERING REPORTS****11.1 TANDEM AXLE TRUCK**

AUTHOR: Craig McVee – Manager of Engineering and Works  
 DATE: Wednesday, 9 October 2013  
 FILE NO: PS.ACQ.3  
 ATTACHMENT: Nil

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Council is being requested to consider options for the sale of Council's 1997 Hino 8 Tonne Tipper and purchase of one new replacement Tandem Axle Truck with 2 Way Tipper.

**BACKGROUND**

Council provided funds in the 2013/2014 Budget for the purchase of a new 13T Tipper and trade or sale of the Hino Ranger Tipper Truck. The item had previously been identified in Council's long term plant replacement program.

**COMMENT**

Quotations were sought through the WALGA Preferred Suppliers via eQuotes Tool. Quotes were requested for the supply of a Tandem Axle Double Tipping (Rear and Drivers side) 13 T Truck with a minimum weight of 55,000kg. A request was sent on 29 August 2013 to 3 vendors for quotes with or without trade of shire Hino Ranger Tipper Truck. The 3 companies that were approached for quotations were:

1. Bunbury Trucks
2. South West Isuzu
3. WA Iveco

The following quotes were received at the close of the quotation period being 26 September 2013

Tenderer	Comment	Outright Purchase Ex GST	With Trade-In Ex GST
Bunbury Motors - Hino	New HinoFS2848 Truck	\$205,600.00	\$176,510.00
Bunbury Motors - Fuso	New Fuso FV51 Truck	\$206,250.00	\$177,159.00
South West Isuzu	New Isuzu Giga CXZ Truck	\$196,005.00	\$185,000.00
WA Iveco	New Iveco Stralis AT	\$218,128.00	\$198,128.00

After consultation with occupiers of all the tendered vehicles it is recommended that the Hino FS2848 be the preferred vehicle. However the tenders received from Bunbury Trucks included quotations for the fit out of the 2 way Tipper from Stalwart and Howard Porter. Though not stated in the tender request the preferred supplier of the 2 Way Tipper is Allroads Motor Body Building. We currently have a semi-side tipper supplied by Allroads and have found them to be of a superior build.

Though Allroads were not stipulated in the tender process in the Local Government (Functions and General) Regulations 1996 Part 4 Division 2 Point 20 states:

**20 Variation of requirements before entry into contract**

- (1) If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in

the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.

- (2) If—
- (a) the chosen tenderer is unable or unwilling to enter into a contract to supply the varied requirement; or
  - (b) the local government and the chosen tenderer cannot agree on any other variation to be included in the contract as a result of the varied requirement,

that tenderer ceases to be the chosen tenderer and the local government may, instead of again inviting tenders, choose the tenderer, if any, whose tender the local government considered it would be the next most advantageous to it to accept.

- (3) In subregulation (1) —

**minor variation** means a variation that the local government is satisfied is minor having regard to the total goods or services that tenderers were invited to supply.

Discussions were held with Bunbury Trucks regarding obtaining a quote from Allroads to build the body work.

A comparison between the Quotes for the Tipper from Bunbury Trucks for all body builders include :

Total price Stalwart Body including trade in is \$176,509.00  
Total price Howard Porter Body including trade in is \$183,190.00  
Total Price Allroads Body including trade in is \$185,409.00

As the difference in quotes is between \$2,219 - \$8,900 the officer considers that this falls under the minor variation and still well within budget.

#### **CONSULTATION**

No consultation was required.

#### **STATUTORY ENVIRONMENT**

Section 3.57 Local Government Act 1995 and Division 2 of the Local Government (Functions & General) Regulations 1996

#### **POLICY IMPLICATIONS**

Council Policy sets the criteria for assessment of tenders.

#### **FINANCIAL IMPLICATIONS**

The 2013/2014 Budget Provides \$220,000.00 for a new tipper and \$20,000.00 for sale of Council's existing tipper for a net changeover of \$240,000. The officer recommendation if adopted will result in saving of \$54,591.00 to budget

#### **STRATEGIC IMPLICATIONS**

Nil

#### **VOTING REQUIREMENTS**

Simple Majority

**That Council accept the quote provided by Bunbury Trucks for the supply of:  
One (1) new Hino FS2848 13T Truck manual fitted with an Allroads body and Trade of  
Councils existing 1997 Hino Tipper for a total net change over price being set at \$185,409  
excluding GST.**

/13      Moved Cr      , seconded Cr

CARRIED/LOST /

**11.2 FORRESTER & KESTON VALE – REQUEST FOR ROAD NAME CHANGE**

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer  
DATE: Wednesday, 9 October 2013  
FILE NO: RO.ROA.051 & RO.ROA.052  
ATTACHMENT: 11.2.1 Letter from R & J Warburton  
11.2.2 Highlighted Map of Roads

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To consider a request to change the name of a portion of Forrester Road and Keston Vale Road to Keston Vale Road.

**BACKGROUND**

Rob and Jen Warburton have written to the Council requesting a change in the name of a portion of Forrester Road and Keston Vale Road to Keston Vale Road. A copy of the request and a map showing the roads is attached. The pink highlight on the map is proposed to be changed to Keston Vale Road and the blue highlight on the map is proposed to stay as Forrester Road.

**COMMENT**

The basis of this request is that the two roads concerned (highlighted in pink on the attached map) are in real terms one continuing road with two different names. This situation presents confusion for the road user and creates a potential problem for emergency services. It also creates rural road numbering problems as rural road numbers are a measurement from the beginning of the road.

It is recommended that this request be supported and that the State Government's Geographic Names Committee be requested to approve the change in road name. Although Mr & Mrs Warburton have gained the support of the local residents, it is also recommended that the Council undertake additional community consultation to enable the entire community input on this issue and to fully satisfy the requirements of the Geographic Names Committee.

**CONSULTATION**

The Council met with Mr Warburton regarding this issue at a briefing session in November 2012.

**STATUTORY REQUIREMENTS**

The Land Administration Act 1997 applies to this item.

**POLICY IMPLICATIONS**

There are no known policy implications.

**FINANCIAL IMPLICATIONS**

There are only minor financial implications for this report. Approximately \$1,500 would be incurred for new signage. Maps etc would not be specifically reprinted for this item, rather replaced under normal timeframes and therefore would not incur costs.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**VOTING REQUIREMENTS**

Simple Majority



R & J Egerton-warburton  
RMB 328  
Kojonup 6395

The Councilors  
Shire of Kojonup  
Albany Highway  
Kojonup 6395 WA

Dear Shire Councilors –

We are writing this letter on behalf of the property owners and residents of the Mobrup area who reside along the stretch of road called the Glenoaklands, Mobrup and Wandoorra Roads.

This single stretch of 18km road runs from the Kojonup – Frankland Road beginning at a T junction, to the Cranbrook-Boyup Brook Rd, also ending at a T junction. Over the years and with changes of intersections and roads, it has seemingly become known as three different names over a short distance.

After gaining support of all residents, we would appreciate if this road could be named just ONE name, this being the Mobrup Rd. This name seems the most obvious, since the road firstly runs through the centre of Mobrup, and secondly it follows along to the Mobrup Hall, a historical landmark in our area.

It is for these reasons we believe it needs to be changed:

- Danger during fire season with confusion in directions and exact locations of fires and residents
- Day to day confusion with directions to households and properties
- Naming of addresses for residents

High priority is the name change for the Mobrup Road, however, the Forrester and Kestonvale Roads also needs to be highlighted. A similar situation arises in that the Kestonvale Rd turns into Forrester Rd, and then another Forrester Road actually leads off the Forrester Rd! A suggestion would be that the entire Forrester Rd needs to be called Kestonvale Rd, and then retain the Forrester Rd leading off towards the Mobrup Hall.

Thanks for your time and understanding. We look forward to hearing a response.  
Regards,

Rob & Jen Warburton



SEALED ROADS.....  
FORMED ROADS.....  
VEHICULAR TRACKS.....  
RAILWAY RESERVE.....  
HOMESTEADS.....

**12 COMMUNITY & REGULATORY SERVICES REPORTS****12.1 APPLICATION TO KEEP MORE THAN TWO (2) DOGS**

AUTHOR: Carol-Ann Grazier - Senior Ranger  
DATE: Tuesday, 8 October 2013  
FILE NO: LE.REG.4  
ATTACHMENT: 12.1 Correspondence from applicant and neighbours

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

A request has been received from a resident of Muradup regarding the keeping of more than two (2) dogs on their property in Muradup.

Section 26 (3) (b) of the Dog Act states: A person cannot keep more than two (2) dogs on their property with-out prior written approval from Council.

**BACKGROUND**

Mr Thomas HOWELL and Mrs Shirley HOWELL already have six (6) dogs all Chihuahuas at their home at 18 Blackwood Road Muradup W.A. Over the years Mrs Shirley Howell has become very attached to all dogs. Both Mr.and Mrs. Howell do not intend to breed their dogs.

**COMMENT**

Property at 18 Blackwood Road Muradup Western Australia has been inspected by Senior Ranger Carol-Ann Grazier. The property more than meets the requirements for the dogs' wellbeing and containment on the property. The owners of the dogs are capable and loving of their dogs. The property is well maintained with no excrement or stale food lying around. All dogs are in very good condition and are registered with the Shire of Kojonup.

Correspondence has been received from neighbours to confirm that there is no objection.

**CONSULTATION**

There has been consultation between the applicants and the Senior Ranger in assessing the application.

**STATUTORY REQUIREMENTS**

Section 26 (3) (b) of the Dog Act. 1976 (as amended)

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**That approval is granted by Council for Mr Thomas Howell and Mrs Shirley Howell to keep six (6) dogs on their property at Lot 18 Blackwood Road Muradup subject to:**

- ## COUNCIL DECISION

/13      Moved Cr      , seconded Cr

CARRIED/LOST /

- 9 OCT 2013

TOM HOWELL

P.O. Box 72

KOJONUP, W.A. 6395

ICR14082  
SHIRE OF KOJONUP  
LE. REG. 4

FILE:	PC of HC	HEA	JACS	DE
PCR ✓	SFO	WIA	CDPO	
WMA	WMA	PLAN		

LOT 18 Blackwood Road

MURADUP, W.A. 6394

THE KOJONUP SHIRE COUNCIL

27<sup>th</sup> August, 2013

Dear Councillors

I am writing to request permission to keep four extra, very small Chihuahua dogs on my property in Muradup.

All the dogs are registered and have Kojonup Shire tags.

My wife and I, consider ourselves responsible dog owners, they (the dogs) are well contained within our own property, properly housed and well cared for.

My wife is partially disabled and treats her dogs as her "kids". Because of her disability, having to care for her dogs is her main motivation and helps to keep her active.

The Shire Ranger has inspected our property and has indicated to me that health, hygiene and housing matters are in order.

I have spoken to our neighbours and all have willingly stated that they have no objection to the dogs being on our property.

I look forward to your response to this request.

With Respect,

Yours Sincerely

Tom Howell

- 9 OCT 2013

ICR14083

To Whom It May Concern

SHIRE OF KOJONUP				
FILE:	LE REG. 4			
IC	IC or HC	NEA	LACS	Reg
✓	SFO	WMA	CDPO	D
	SIWA	PLANT		

This is to certify that I *Erica-may Hardington*

of Lot 1 Haggate St Muradup 6394

Have no objection to Shirley and Tom Howell, keeping more than two Chihuahua dogs on their property Lot 18 Blackwood Road, Muradup, as their dogs do not create any problems for us in regards to noise or odour and they do not stray.

Sincerely *Erica-may Hardington*

- 9 OCT 2013

ICR14084

To Whom It May Concern

SHIRE OF KOJONUP				
TITLE	LE. REG. 4			
EC or HC	NEA	MCS	CCPO	DC
✓	SPCY	WM		
	CLASH			

This is to certify that I *boral greenw*

of *muradup*

Have no objection to Shirley and Tom Korell, keeping more than two Chihuahua dogs on their property Lot 18 Blackwood Road, Muradup, as their dogs do not create any problems for us in regards to noise or odour and they do not stray.

Sincerely *boral greenw*

**12.2 RABBITS IN CEMETERY**

AUTHOR: Carol-Ann Grazier - Senior Ranger  
DATE: Tuesday, 8 October 2013  
FILE NO: CP.MTC.5  
ATTACHMENT: Nil

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Several complaints have been received by Council regarding rabbits digging into the gravesites at the Kojonup cemetery.

**BACKGROUND**

Rabbits are burrowing and tunneling under the ground at the Kojonup Cemetery. This is creating holes under the grave sites and also leaving soft patches of soil that have been collapsing under foot.

**COMMENT**

People visit the cemetery daily and are concerned that their relative's gravesites are home to rabbits and this is upsetting for them. Another problem is also being created by the tunnels under ground as these areas are sometimes collapsing when they are being walked upon, this may lead to an injury being sustained by members of the public.

**CONSULTATION**

A visit to the cemetery by Council staff confirmed the problem of rabbits. Rabbits were seen jumping in and out of gravesites, there were also burrows and holes under the sites. Areas of collapsing soils were also observed.

After contacting the Department of Agriculture, it was recommended by Graham Blacklock that a baiting program be established. His recommendations were to fumigate the rabbit burrows with Foxtoxin, then follow-up with Pindone poison when the grasses dry out. Signage "Rabbit Control in Progress" will need to be placed around the cemetery to let visitors know that baiting is taking place. After this is done, a general maintenance program can be put in place to control the number of rabbits. This can be undertaken by a local contractor or can be done in house.

**STATUTORY REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Irrespective of whether a baiting program is carried out by a contractor or undertaken by Council staff, costs can be met from the cemetery maintenance account.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**That Council approve the development of an ongoing rabbit control program for the Kojonup Cemetery through baiting and other approved methods, to be undertaken by either a Contractor or Council staff, with all costs being met from the Kojonup Cemetery Funds Maintenance account 6002.**

/13      Moved Cr      , seconded Cr

CARRIED/LOST /

12.3 DIANNE SCHUBERT – APPLICATION TO WITHDRAW DANGEROUS DOG CLASSIFICATION

AUTHOR: Carol-Ann Grazier - Senior Ranger  
DATE: Tuesday, 8 October 2013  
FILE NO: LE.REG.4  
ATTACHMENT: 12.3 Correspondence received from Dianne Schubert

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

A request has been received from Dianne SCHUBERT to review the Dangerous Dog classification of “Cozi” (Y92) owned by her, and have the Dangerous Dog classification lifted.

**BACKGROUND**

“Cozi” registered in the Shire of Kojonup and recorded as a sterilized Male Bitsa on the Shire dog system was declared a Dangerous Dog in April 2012, following an attack on a female person when it escaped from his owner’s property. Following the dog attack and its classification as a Dangerous Dog the owner was required to improve security for the portion of the yard used to keep the dog. This resulted in an additional 1.8 metre high fence being erected approximately 5 metres back from the front boundary fence of the property which has in my opinion substantially improved confinement of the dog to the property.

**COMMENT**

The dog “Cozi” has had no other incidents recorded against him since being declared dangerous in 2012.

**CONSULTATION**

The Ranger visited the property at 7 Spencer Street Kojonup. The dog “Cozi” was on the property at the time along with Dianne Schubert and her son. The dog was not aggressive towards the Ranger and followed me around the garden as I examined the fencing. Mrs. Schubert is aware of the likely serious consequences should “Cozi” commit a similar offence in the future: eg seeking of a court order for seizure of the dog.

**STATUTORY REQUIREMENTS**

Dog Act.1976 33H (4) (b)

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That Council revokes the Dangerous Dog classification for Cozi Y92 owned by Dianne Schubert of 7 Spencer Street Kojonup Western Australia subject to the existing fencing remaining in place and the dog being kept registered.



19 SEP 2013

ICR13857

Graeme Page and Dianne Schubert  
7 Spencer Street  
Kojonup WA  
6395

SHIRE OF KOJONUP				
FILE	LE REG 4			
CEO	EC or HC	NEA	MCB	AGS
CLP ✓	DPO	WM	CEPO	IT
TEAM	SWA	PLAN		

Dear CEO

I am submitting this request for you to review the dangerous dog classification on my dog Cozi in April 2012, I would like to have this classification lifted as I do not think he is a threat to the public.

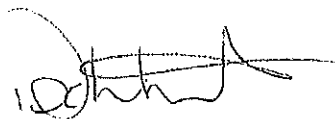
When the dangerous dog classification was imposed we were requested to build an interior fence which we did, this fence will remain in place when the dangerous classification is lifted, the external fence was erected which is 1.8 metres high before Cozi's offence, this will also remain in place after the classification is lifted.

In November 2012 our garden was a participant in the Australian open garden scheme, in which 247 visitors entered the property walking through the garden and backyard whilst Cozi roamed free with them. Cozi showed no sign of aggression towards these visitors although he had never seen them before, these people were children, adults and the elderly, light meals were served in the garden and some people shared food with Cozi, one particular lady and her 4 year old son sat with Cozi on the lawn and ate their food while laying/ leaning on Cozi without any incidence.

There has been no further incidents in the last 16 months, During Easter 2012 previous to Cozi's conviction we were at Peaceful Bay caravan park with Cozi, the park was full of approximately 500 people, kids, adults and elderly. Cozi was lead around on a lead by my kids through the caravan park and the surrounding village where there were other dogs not on leads and Cozi showed no signs of aggression towards any of these other people or dogs.

Your immediate attention to this request that cozi's dangerous dog classification be lifted would be greatly appreciated. I welcome you and any other relevant authorities to visit and discuss any concerns that you have in the hope of resolving the issue.

Regards,  
Graeme Page  
Dianne Schubert



P.S You can reach me either on my work mobile (0409171180) or home phone (98311421)

**13 EXECUTIVE & GOVERNANCE REPORTS****13.1 GOVERNANCE – LOCAL GOVERNMENT STRUCTURAL REFORM**

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer  
DATE: Monday, 7 October 2013  
FILE NO: GO.STR.1  
ATTACHMENT: Nil

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To re-enforce:

1. The Shire of Kojonup's opposition as stated in the Community Strategic Plan 2013-2023, and
2. Council Delegates voting position at WALGA regarding "Forced Amalgamations" under the State Government's Local Government Structural Reform Process including proposed amendments to remove or circumvent the poll provisions of the Local Government Act 1995.

**COMMENT**

The Minister for Local Government foreshadowed the removal of the existing poll provisions in the *Local Government Act 1995* (for the metropolitan area only) prior to the August 2013 WALGA Annual Conference. The following motion was passed as special urgent business by an overwhelming majority of delegates at the Annual General Meeting of WALGA which was supported by Council's delegates having previously discussed Council's position at the Briefing Session held 23 July 2013.

*"That WALGA condemns the removal of the "poll provisions" from Schedule 2.1 of the Local Government Act 1995 and the forced amalgamations of Local Government Councils."*

With Council Elections being held on 19 October 2013 and potentially four new elected members it is timely for Council to reaffirm its position.

**CONSULTATION**

Undertaken through Community Strategic Plan development via community surveys and workshop feedback which was subsequently adopted by Council at its meeting held 19 March 2013.

**STATUTORY REQUIREMENTS**

Local Government Act 1995

**POLICY IMPLICATIONS**

Formal Council Decision recorded.

**FINANCIAL IMPLICATIONS**

None pending.

**STRATEGIC IMPLICATIONS**

Compliments Community Strategic Plan 2013-2023

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council as per the Community Strategic Plan 2013-23 re-affirms its formal position:-**

- 1. Opposing any form of forced amalgamations of Local Government Councils,**
- 2. Condemns any contemplated removal or amendment of the ‘poll provisions’ from Schedule 2.1 of the Local Government Act 1995, and**
- 3. Opposes the introduction of specific restructuring legislation.**

**COUNCIL DECISION**

/13 Moved Cr , seconded Cr

CARRIED/LOST

/

## 13.2 INTEGRATED PLANNING – WORKFORCE PLAN

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer  
DATE: Wednesday, 9 October 2013  
FILE NO: PE.EST.1  
ATTACHMENT: 13.2 Workforce Plan 2013 - 2017

### **DECLARATION OF INTEREST**

Nil

### **SUMMARY**

Council to consider the Workforce Plan with a view to adopt.

### **BACKGROUND**

(Extract from Dept. of Local Government Toolkit)

Workforce Planning is a key component of the Integrated Planning and Reporting Framework which was introduced to Western Australian local governments during 2011, underpinned by regulatory amendments. Together with Strategic Community Planning, Asset Management and Long Term Financial Planning, it forms part of the Integrated Planning and Reporting Framework.

Integrated Planning and Reporting in Western Australia is consistent with a national approach to local government sustainability, including the National Assessment Framework.

Workforce Planning involves council and all employees of a local government and is an important part of every manager's role in the organisation. Others, such as unions and professional associations, are also key stakeholders in supporting and assisting workforce development. Ultimately, workforce planning becomes an integral part of the planning and operations in a local government.

Workforce Planning:

- is continuous, not a one-off activity
- is a process, not a static action or set of actions
- is about shaping the workforce with a clearly identified purpose and to bring about particular changes
- has its purpose linked with organisational objectives, and
- applies not just to the current workforce but anticipates future workforce requirements.

Workforce Planning enables your local government to:

- respond quickly and more strategically to change by recognising emerging challenges
- improve efficiency, effectiveness and productivity by having employees with the right knowledge and skills and who are a good fit for the job they are in
- facilitate strategic staffing and planning for future workforce requirements by identifying these in a timely manner, monitoring staff separations and making arrangements to fill key vacancies
- strengthen your organisation's capacity to achieve the outcomes of the Strategic Community Plan and Corporate Business Plan
- encourage understanding of your organisation's workforce profile so that existing workforce capacity can be maximised and the future workforce shaped as needed
- assist with identifying and managing people with the knowledge critical for efficient and effective business operations, and managing corporate memory
- adapt and integrate management and business processes, technology and systems and adjust organisational structure to use resources most effectively
- monitor costs and directly link workforce expenditure against business outputs and outcomes, and
- strengthen the local government industry through stronger career paths and staff development.

**CONSULTATION**

The Workforce Plan was prepared in consultation with Managers and staff including completion of surveys and collation of data regarding length of tenure, qualifications, training, classifications, age profiles etc.

**STATUTORY ENVIRONMENT**

Integrated Planning (Plan for the Future requirements under the Local Government Act 1995) which came into effect on 1 July 2013.

**POLICY IMPLICATIONS**

Review of “All of Staff Agreement 2011” to commence February 2014.

**FINANCIAL IMPLICATIONS**

Incorporated in 2014/15 budget deliberations following Organisational Restructure Review.

**STRATEGIC IMPLICATIONS**

Key component of Integrated Planning and Reporting Framework of Council.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council adopts the Shire of Kojonup Workforce Plan 2013-2017 as tabled.**

**COUNCIL DECISION**

/13 Moved Cr , seconded Cr

CARRIED/LOST

/





23 SEP 2013

Government of Western Australia  
Department of Transport

Office of Rail Safety

My Ref: DT/11/03803.  
Enquires: Chris Green  
Telephone: (08) 65516706

Mr Rick Mitchell-Collins  
Chief Executive Officer  
Shire of Kojonup  
PO Box 163  
Kojonup WA 6395

Dear Mr Mitchell-Collins,

**Subject: 2013 Rail Safety Compliance Audit of the Shire of Kojonup (Kojonup Tourist Railway).**

I offer my congratulations on your appointment as the Shire CEO and appreciate the effort you made to attend the Annual Rail Safety Compliance Audit of the KTR on 21 August 2013, so soon after you had taken up your position.

The Audit was conducted in compliance with Section 84 of the Rail Safety Act 2010, at Kojonup Railway Station with Ned Radford, Rhonda Hair and John Lewis in attendance.

My auditor was encouraged by the following:-

- Confirmation that the testing and certification of the Spirit of Kojonup rolling stock was competent and thorough. The train has run reliably for a year with a considerable increase in passenger trips compared to previous years.
- The training material for train drivers and guards on the Spirit of Kojonup was detailed and demonstrated a commitment to align with TLISC Skill sets, even though the operation of the train is unique and does not require national competencies.
- A trip to the Denny Road Crossing Loop and return gave the auditor first-hand knowledge of the processes to protect level crossings, turning the locomotive on the turntable, the general standard of the track and an idea of perway materials stored outside the Kojonup Station Yard.
- It is understood that you have developed a business case for the continued operation of a tourist railway in Tasmania. Your knowledge and support of this sector of the rail industry should greatly benefit the KTR.
- KTR appears to have ample stocks of rail, sleepers and fastenings to continue track rehabilitation to Farrar.

October Agenda Item.

ICR13899

SHIRE OF KOJONUP

RC.MWS.4

FILED	✓	EC	IC	HEA	ACG	AMV
FILED		EC	IC	HEA	ACG	AMV
FILED		EC	IC	HEA	ACG	AMV
FILED		EC	IC	HEA	ACG	AMV

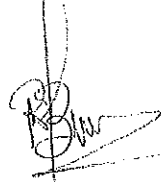
Although the audit did not systematically cover the elements of a Safety Management System in Schedule 1 of the Rail Safety Regulations 2011, review of the material submitted in support of the introduction of the Spirit of Kojonup was sufficient to demonstrate that the KTR SMS adequately addressed their new rolling stock and methods of operation.

The audit identified no Non Conformances and no Observations, a very pleasing result.

Some general comments have been included in the attached Audit Report.

Should you have any questions or comments about the Audit please contact the auditor, Chris Green on (08) 65516706.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rob Burrows', with a stylized flourish extending to the right.

Rob Burrows

Director Rail Safety

16 September 2013

cc: Rhonda Hair, Secretary, Kojonup Tourist Railway Inc.



Government of Western Australia  
Department of Transport  
Office of Rail Safety

My Ref No.: DT/11/03803

**ACCREDITED ORGANISATION:-**

Shire of Kojonup (Kojonup Tourist Railway)

**POSTAL ADDRESS:** Shire of Kojonup  
PO Box 163  
Kojonup WA 6395

**AUDIT LOCATION:** Kojonup Station Building

**AUDIT DATE:** 21 August 2013

**AUDIT No:** KTR 2013/1

**CLIENT REPRESENTATIVES:** **KTR:** Ned Radford, Rhonda Hair  
and John Lewis.

**Shire of Kojonup:** Rick Mitchell-  
Collins and John Benn (Shire  
President and Deputy Shire  
President).

**AUDITOR:** Chris Green

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**1. INTRODUCTION**

The Shire of Kojonup was accredited as an owner and operator for the Kojonup Tourist Railway (KTR) in Western Australia under the Rail Safety Act 1998 on 25 September 2003 and this accreditation continues under the Rail Safety Act 2010.

The conditions of accreditation detailed in the new Notice of Accreditation issued on 20 September 2011 allows railway operations on sidings in Kojonup Station Yard and the section of main line between Kojonup Station and a crossing loop and turntable approximately 200m. past Denny Road, which permit the Spirit of Kojonup locomotive to run around and return the train to Kojonup facing the correct direction. Work train operations may extend to Farrar.

**2. BACKGROUND**

The "Kojonup – Farrar Railway Order 2002" promulgated in the Government Gazette, WA on 14 June 2002 granted the Shire of Kojonup access to the section of railway between Kojonup and Farrar, previously operated by the West Australian Government Railways. The purpose of the Order was to make the disused railway available for the operation of a tourist railway and this is being undertaken on behalf of the Shire by Kojonup Tourist Railway Inc.

In the 2012 Audit Report it was reported that the Minister for Transport transferred control of the Westrail lands to Landgate and the Kojonup –

Farrar Railway Order 2002 may have been cancelled. The status of negotiations between the Shire of Kojonup and the Department of Regional Development and Lands for an alternative instrument permitting KTR to continue operating on the old railway reserve between Kojonup and Farrar is unknown.

KTR has a Mini Moke (rail mounted), a Daihatsu Scat 4WD (rail mounted) and 3 small open passenger carriages that remain operational, but their passenger carrying role has been superseded by the commissioning on 6 October 2012 of the "Zoo Train" that formerly ran on road wheels in Perth Zoo. This rolling stock was re-engined, extensively overhauled and re-named the "Spirit of Kojonup". Its popularity is such that it runs regularly on two Sundays each month as well as special bookings for social clubs. Rolling stock for inspections and maintenance comprises two petrol powered inspection trolleys, a flat top wagon and a sleeper inserter used for track renewals.

This audit is the tenth compliance audit conducted by the Office of Rail Safety since KTR was accredited on 25 September 2003.

3. **CHANGE ADVICES SUPPLIED SINCE LAST AUDIT** – Change Advice supporting the introduction of the Spirit of Kojonup and certification of "Fitness for Purpose", culminating in a letter of approval from the Director dated 24 September 2012.

4. **AUDIT TYPE and METHODOLOGY**. The nature of KTR's operations changed considerably once the Spirit of Kojonup became operational, and documentation covering its certification and operation was extensively reviewed prior to 6 October 2012. For this reason the audit did not focus on the KTR SMS, instead it concentrated on the actual operation of the new train.

5. **AUDIT CRITERIA**.

The Audit was based on the KTR Safety Management System Manual Revision 10 dated 7 August 2012 and the documentation for the Spirit of Kojonup approved by the ORS for its introduction.

6. **AUDIT SCOPE**

The 2013 Compliance Audit included an introduction to the recently appointed CEO of the Shire of Kojonup, Rick Mitchell-Collins, the Deputy Shire President John Benn and a trip on the train to the Denny Road crossing loop and return. The audit was also used to update KTR on the outcomes of a forum in Perth to meet with the National Rail Safety Regulator that they were unable to attend.

7. **ISSUES FROM PREVIOUS AUDITS**

There were no outstanding issues from the 2012 Audit, and no reportable occurrences have occurred.

**8. DISCUSSION/COMMENTS**

- a) Although the Wildflower Festival remained the highlight of KTR's operations in 2012, the regular monthly running of the Spirit of Kojonup has placed KTR on a sound operating footing. These trips are being reported in compliance with s44 of the Rail Safety Act 2010 and Regulation 29 that specifies the content of monthly returns.
- b) The Annual Rail Safety Report dated 7 August 2012 was very well presented and contained evidence of review of the SMS, responsibilities and authorities and evidence of insurance cover. Those policies expiring on 30 June 2013 were renewed.
- c) Rick Mitchell-Collins has past experience in preparing a business case for a tourist and heritage railway in Tasmania. This knowledge and his enthusiasm in supporting KTR are very encouraging.
- d) The Spirit of Kojonup has performed reliably since October last year which is testament to the care and expertise involved in its restoration and conversion. While there is ample power available through the hydraulic transmission, adhesion problems have been overcome by fitting gravity fed sanding equipment to the locomotive.
- e) KTR still has stocks of timber and steel sleepers to continue track rehabilitation to Farrar. It was interesting to learn that KTR has equipment to preserve timber sleepers using old sump oil from the local garage.
- f) KTR has yet to move a PM Class steam locomotive from the ARHS at Bassendean to Kojonup for a static display of this locomotive. The move is likely to be done by road vehicle.
- g) The auditor has undertaken to assist the Shire in understanding the requirements of sections 64-67 of the Rail Safety Act relating to the need for interface agreements between railway operators and road managers at level crossings.

**9. AUDIT FINDINGS**

- a) The training material for Spirit of Kojonup Train drivers and guards demonstrated KTR's intent to align with TLISC Skill Sets, but the operation of the Zoo Train is unique and does not lend itself to national competencies. Nevertheless, KTR has been supplied a spreadsheet with suggested TLISC Skill Sets for consideration. Once the KTR has made a decision on their relevance and recorded that decision, they should be able to comply with the requirements of the National Rail Safety Law.

- b) The return trip on the Spirit of Kojonup to the Denny Road Loop gave the auditor an opportunity to view the infrastructure on and alongside the track. The track has been satisfactorily resleepered and alignment is adequate, but efficient placing of more gravel ballast will be facilitated by rehabilitating a LA hopper and devising couplings for it to be pulled by the Spirit of Kojonup locomotive.
- c) This trip revealed that KTR has a few timber culverts and a small bridge, which last year's Annual Safety Report committed to upgrade and replace. These structures need to be looked at more closely because the axle load of the Spirit of Kojonup is heavier than the older rolling stock. It is suggested that the locations of these be picked up using the GPS on the locomotive which doubled as a speedometer on the day of the audit, reconciling these to the rail km. or mileage of road crossing centerlines and creating an asset register of waterway structures. Once this is done, it may be possible to trace back the history of the structures on old WAGR records and possibly identify others that have been missed.
- d) The auditor may be able to assist KTR with guidance and contacts to renew culverts and the bridge once details of their type and condition are supplied.
- e) The audit found no non-conformances and no observations - a very pleasing result.

#### **10. CONCLUSIONS**

- a) The audit concluded that the current operations of KTR at Kojonup are consistent with the accreditation of KTR as a rail infrastructure manager and rolling stock operator under the Rail Safety Act 2010.
- b) KTR will benefit from support and advice from the new CEO of the Shire of Kojonup.
- c) The Shire of Kojonup is encouraged to finalize with the Department of Regional Development and Lands a new legal instrument to permit KTR to continue occupying and running trains on the former WAGR railway reserve between Kojonup and Farrar.
- d) KTR is encouraged to create an asset register of waterway structures that will reinforce their capability to comply with Clause 19 of the Rail Safety Regulations 2011.

**11. ATTACHMENTS**

Appendix A: Scope of the 2013 Audit of Kojonup Tourist Railway.

Appendix B: Summary of Findings.

Auditor ..... *C. A. Green* .....

Date ..... *16/9/2013* .....

**APPENDIX “A”. Scope of the 2013 Compliance Audit of KTR**

(Note: The audit did not systematically work through each of these elements for reasons given in Section 4: Audit Type and Methodology. However the table has been retained as guidance on what a safety management system should embrace.)

<u>RSA 2010 Regs 2011 Clause</u>	<u>Subject</u>
Sched 1 Cl. 1	Safety Management Policy
Sched 1 Cl. 3	Management & Governance
Sched 1 Cl. 4	Responsibilities and Authorities
Sched 1 Cl. 28	Resource Management
Sched 1 Cl. 6	Document and Data Control
Act s61 & Regs r16	Safety Management System Review
Sched 1 Cl. 9	Railway Safety Audit
Sched 1 Cl. 11	Change Management
Sched 1 Cl. 14	Assessment of Railway Safety Risks.
Act s73 and r17	Health & Fitness
Sched 1 Cl. 18	Process Control (Rolling Stock & Track & Infrastructure) including:-
Sched 1 Cl.17(3) and 17(4)	Verification of design, construction and installation, implementation and commissioning and modification
Sched 1 Cl. 17(4)(e)	System Operation
Sched 1 Cl. 19	Asset Management
Act s64-67	Interface Management (at Level Crossings)

File No DT/11/03803	<b>SUMMARY of AUDIT FINDINGS</b> (Page 1 of 1)	Office of Rail Safety
Name of Organization. Kojonup Tourist Railway (KTR)		Audit No. KTR 2013/1
Type of Audit: <b>Assessment</b> <b>Compliance</b> <input checked="" type="checkbox"/> <b>Unscheduled</b>		
Audit Date: 21 August 2013		
	<u><b>NON CONFORMANCE REPORTS:</b> - NONE.</u>	
	<u><b>OBSERVATIONS:- NONE.</b></u>	

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

**16     NEW BUSINESS**  
(of an urgent nature, introduced by a decision of the meeting).

**17      CONFIDENTIAL REPORTS**

- 17.1    MANAGER OF CORPORATE SERVICES RECRUITMENT
- 17.2    PANEL OF CONTRACTORS STORM DAMAGE CLEAN-UP TENDER
- 17.3    APPOINTMENT OF AN AUTHORISED OFFICER - PART-TIME

AUTHOR:                Rick Mitchell-Collins – Chief Executive Officer  
DATE:                    Wednesday, 9 October 2013  
FILE NO:                PE.RCR.1, FM.TND.3  
ATTACHMENT:        17.1 Confidential Report (to be tabled)  
                              17.2 Confidential Report & Attachment  
                              17.3 Confidential Report

**SUMMARY**

The purpose of this item is to consider the selection of a new Manager of Corporate Services for the Shire of Kojonup.

The purpose of this item is to accept tenders for the Panel of Contractors for the provision of plant, equipment and labour for the storm damage clean-up of the 10<sup>th</sup> June 2012.

The purpose of this item is to endorse the appointment of a part-time Authorised Officer.

**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

**That the meeting be closed to the public in accordance with s5.23 of the Local Government Act 1995 to discuss ‘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’.**

/13      Moved Cr      , seconded Cr

CARRIED/LOST /

**18     NEXT MEETING**

Tuesday, 19<sup>th</sup> November 2013 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 1st July 2013 to 30 <sup>th</sup> September 2013
Item 10.1	Appendix A – Springhaven Aged Care Facility Monthly Statement of Financial Activity 1st July 2013 to 30 <sup>th</sup> September 2013
Item 10.2	Monthly Payment Listing
Item 13.2	Workforce Plan 2013 – 2017
Item 17.1	Confidential Report
Item 17.2	Confidential Report & Attachment
Item 17.3	Confidential Report