

SHIRE OF KOJONUP



Council Minutes

16th September 2014

SHIRE OF KOJONUP**MINUTES FOR THE COUNCIL MEETING HELD ON 16th September 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	5
6	CONFIRMATION OF MINUTES	5
7	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	5
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	FINANCIAL MANAGEMENT – RESERVE ACCOUNTS REVIEW	10
10.4	RISK MANAGEMENT PLAN INCLUDING POLICY	16
10.5	ADMINISTRATION CENTRE – FRONT OFFICE REFURBISHMENT	18
11	WORKS & SERVICES REPORTS	23
11.1	MULTI TYRE ROLLER QUOTES	23
12	COMMUNITY & REGULATORY SERVICES REPORTS	26
12.1	KOJONUP SALEYARDS & TRUCK WASH DOWN BAY	26
12.2	DRAFT GUIDED DEVELOPMENT PLAN FOR LOTS 1, 84, 85, 100 & 101 KOJONUP- KATANNING ROAD, LOTS 50 & 105 JOHN STREET AND LOT 2 MURBY STREET, KOJONUP	34
12.3	PROPOSED SUBDIVISION OF LOT 1 MANOLINI ROAD, RYANSBROOK	38
13	EXECUTIVE & GOVERNANCE REPORTS	43
14	COMMITTEES OF COUNCIL	44
14.1	KODJA PLACE ADVISORY COMMITTEE	44
14.2	KODJA PLACE – DRAFT STRATEGIC PLAN 2014	45
15	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	49
16	NEW BUSINESS	49
17	CONFIDENTIAL REPORTS	50
17.1	101 ALBANY HIGHWAY, KOJONUP	50
17.2	TENDER FOR MANAGEMENT OF KEVIN O’HALLORAN MEMORIAL SWIMMING POOL	50
18	NEXT MEETING	52
19	CLOSURE	52
20	ATTACHMENTS (SEPARATE)	52

MINUTES

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

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

Disclaimer

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

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

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

Shire President welcomed the members of the gallery.

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 (<i>Entered at 3:06pm</i>)
Mr Craig McVee	Manager of Works & Services
Miss Dominique Hodge	Personal Assistant to the CEO
Mrs Heather Marland	Senior Finance Officer

Members of the Public	4
-----------------------	---

APOLOGIES

Nil

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

Nil

4 PUBLIC QUESTION TIME

4.1 Derek Piesse – Saleyards

What is going on with the closing / disposal of saleyards?

The Shire President responded that the item is on today's agenda and Council is looking at all of its assets and the saleyards is one of them.

Mr Piesse spoke about an email he had received from Mrs Michelle Dennis (Development Services Coordinator). He suggested we have two issues, wash down bay and saleyards. There is no effluent coming off the saleyards only the wash down bay. Mr Piesse wants the saleyards improved not demolished. Mr Piesse mentioned the 1,000m buffer zone required from the saleyards for housing, is equivalent to the amount of people spending time at businesses within the 1,000m radius.

The Shire President responded by asking if the saleyards were moved to another site, would that be suitable?

Mr Piesse responded that they are not used very often but when they are used the sales are successful. The current location is convenient for buyers and farmers. Council should maintain and retain them where they are. Kojonup has to have a saleyards.

4.2 Frank House – WA Farmers Blackwood Zone – Saleyards

Has someone applied to the Department of Environment & Regulation for a licence? The limit is not exceeded by much and they are not used a lot but are good when they are used. Mr House suggested Council appeal the licence with the Department of Environment & Regulation.

The Shire President conferred with the Chief Executive Officer and responded to Mr House stating that no-one applied for a licence, the Department of Environment & Regulation became aware of the Saleyards through another Council project the Waste Water Reuse Project.

3:06pm Mort Wignall entered.

4.3 Kerryn Mickle – Elders Kojonup – Saleyards

Ms Mickle commented on an email she had received from Mrs Michelle Dennis (Development Services Coordinator). She stated that more community consultation was needed before Council made a decision. She believes the Saleyards and Truck Wash Down bay are two separate items and the costings should not be together. Ms Mickle stated she disputes the numbers that Ms Dennis has provided in her report from 2008. She also believes the Grounds Maintenance cost is inflated in the report. Ms Mickle questioned if the operating expenses are for just the saleyards or truck wash down bay as well? Ms Mickle concluded by stating that should the Katanning Saleyards have a disease outbreak it would cost farmers millions. The Kojonup Saleyards are valuable and Council should hang on to these.

Manager of Corporate Services responded by letting Ms Mickle know that separating the costs may not be possible as depot crew time will not have been separated out on their timesheets but he could review the costs if needed at Item 12.1.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES

ORDINARY MEETING 19th August 2014

COUNCIL DECISION

130/14 Moved Cr Mathwin, seconded Cr Benn that the Minutes of the Ordinary Meeting of Council held on 19th August 2014 be confirmed as a true record.

CARRIED 8/0

7 ANNOUNCEMENTS by the Presiding Member without discussion

The Shire President extended congratulations to Kojonup District High School as she noticed in The West Australian on Saturday 13th September 2014 they were the recipients of an Infinity Award – which recognises innovation and excellence in recycling and waste reduction.

Noted the passing of former Shire President Mr Pell House and passed commiserations to his family.

8 PETITIONS, DEPUTATIONS & PRESENTATIONS

Nil

9 DECLARATIONS OF INTEREST

Nil

The Shire President made all Councillors aware that if something comes up as they come to an item remember to declare your interest.

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

AUTHOR: Anthony Middleton – Manager of Corporate Services
DATE: Sunday, 7 September 2014
FILE NO: FM.FNR.2
ATTACHMENT: [10.1.1 Monthly Statement of Financial Activity – July](#)
[10.1.2 Monthly Statement of Financial Activity – August](#)

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to note the Monthly Financial Statements for the period ending both 31 July 2014 and 31 August 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

As the two sets of financial statements represent the activity in the first two months of the year, there is little to report at this stage.

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.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

131/14 Moved Cr Benn, seconded Cr Pedler that the following monthly financial statements, as attached, be noted:

- 1. For the period 1st July 2014 to 31 July 2014; and**
- 2. For the period 1st July 2014 to 31 August 2014.**

CARRIED

8/0

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Brodie Hueppauff – Finance Officer
DATE: Friday, 5 September 2014
FILE NO: FM.AUT.1
ATTACHMENT: 10.2 Monthly Payment Listing 1/8/2014 – 31/8/2014

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments covering the period 1st August 2014 – 31st August 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.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

132/14 Moved Cr Mathwin, seconded Cr Radford that in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority from 1/8/2014 to 31/8/2014 comprising of Municipal Cheques 13187 to 13213, EFT's 12490 to 12640 and Direct Debits 2508 to 16638.1 totalling \$888,811.98 and as attached to this agenda, be received.

CARRIED**8/0**

10.3 FINANCIAL MANAGEMENT – RESERVE ACCOUNTS REVIEW

AUTHOR: Anthony Middleton – Manager of Corporate Services
 DATE: Sunday, 7 September 2014
 FILE NO: FM.FNR.2
 ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to undertake a review of reserve accounts, including:

1. The purpose / definition of each reserve account;
2. The adequacy of the current reserve balance;
3. Identifying existing accounts that aren't required; and
4. Identifying purposes for reserve accounts that currently don't exist.

BACKGROUND

Cash reserves are established in accordance with the Local Government Act 1995 and maintained to accumulate funds for the following purposes:

- To smooth funding allocations over future years.
- To offset liabilities in respect of previously earned employee entitlements to the extent they require an outflow of funds not allocated in the annual budget.
- To meet statutory obligations.
- To fund renewal of existing physical/built assets.
- To fund future strategic initiatives and the provision of new services and facilities to future residents.
- To buffer against unpredictable events.
- To hold unspent grants and contributions.
- Other purposes as determined by the Council from time to time.

COMMENTExisting Reserve Accounts

Current reserve account balances, and the budgeted reserve account balance at the end of the 2014/2015 financial year (assuming all projects are completed in accordance with the budget) are as follows:

	Closing Balance	
	30 June 15	31 July 14
	Budget	Actual
Plant Replacement Reserve	\$ 18,151	\$ 173,826
Gravel Pits Reserve	\$ 29,433	\$ 28,766
Economic Development Reserve	\$ 35,957	\$ 171,971
Building Maintenance Reserve	\$ 173,887	\$ 255,259
Historical Buildings Reserve	\$ 56,542	\$ 69,921
Employee Leave Reserve	\$ 96,551	\$ 94,364
Staff Housing Reserve	\$ 23,959	\$ 165,529
Information & Communication Technology Reserve	\$ 962	\$ 40,035
Springhaven Lodge Reserve	\$ 532,345	\$ 530,766
Springhaven Units Reserve	\$ 60,680	\$ 60,680
Low Income Housing Reserve	\$ 26,707	\$ 26,103
Public Toilets Reserve	\$ 99,225	\$ 97,119

Springhaven Buildings Maintenance Reserve	\$ 46,082	\$ 256,395
Footpath Reserve	\$ -	\$ 10,558
Capital Works Reserve	\$ -	\$ 0
Sporting Facility Reserve	\$ 4,770	\$ 117,057
Drainage & Water Re-use Reserve	\$ 2,082	\$ 2,035
Bridge & Road Maintenance Reserve	\$ 31,267	\$ 30,558
Emergency Response Reserve	\$ 29,271	\$ 28,608
Bushfire Support Reserve	\$ 96,308	\$ 113,673
Landfill Waste Management Reserve	\$ 25,962	\$ 40,000
Kodja Place Tourist Precinct Reserve	\$ 1,480	\$ 30,767
G & P Church Medical Centre Reserve	\$ -	\$ 865,449
Energy Efficiency Reserve	\$ 30,000	\$ -
Child Care Centre Reserve	\$ -	\$ 117,000
Total Cash Backed Reserves	\$1,421,621	\$3,326,440

Closure of Existing Reserve Accounts

After undertaking an analysis of each of the existing reserve accounts listed above against the purpose or reasons to establish reserve accounts (as listed in the background section to this report), three reserve accounts have been identified as no longer being required. These three reserves, and their budgeted closing balance as at 30 June 2015, are as follows:

- Public Toilets – \$99,225;
- Bridge & Road Maintenance – \$31,267; and
- Emergency Response - \$29,271.

Should these three reserve accounts be closed, approximately \$159,763 will be available for other purposes, such as opening new reserve accounts or bolstering existing reserve account balances.

Establishment of New Reserve Accounts

Following a review of existing reserve accounts, a comparison of existing reserves was undertaken with the projects contained in the adopted Community Strategic Plan. Following this comparison, it is recommended that four (4) new reserve accounts be created (with funds from the closed reserves above) as follows:

- Land Acquisition & Development - Starting balance \$30,000

Definition - To fund the purchase of land, sub-division expenses and receipt sub-division sales revenue.

- Community Grant Scheme – Starting balance \$5,000

Definition - To finance community grant scheme rounds and to financially manage larger community grants that may extend over more than one financial year.

- Independent Living Units – starting balance \$20,000

Definition – to transfer profits from Loton Close units operating to this reserve to fund major maintenance and future asset replacement.

- Youth – starting balance \$10,000

Definition - To fund the ‘Creating Opportunities for Youth’ objectives within the Community Strategic Plan, namely:

- Explore opportunities with local schools and youth organisations to create a Youth Advisory Council to engage and advise the Shire and Councillors on youth issues.
- Promote the opportunities for traineeships and apprenticeships within local government.
- Partner with Kojonup District High School to promote the advantages of local education.
- Advocate for the retention of years 11 and 12 at Kojonup District High School.
- Explore opportunities to create adult learning opportunities in Kojonup, with a focus on partnering with local businesses and organisations.

Total suggested allocations to new reserves - \$65,000 (of the approx. \$159,000 from the closed reserves).

Allocating Funds from Closed Reserves

It is recommended that the balance of the following existing reserve accounts be bolstered (with funds from the closed reserves above) as follows:

- Plant Replacement – \$34,000
The 10 year plant replacement programme shows a negative balance in 2015/2016 of \$31,743 (refer p.60 of the 2014/2015 budget)
- Sporting Facilities - \$30,000
With the impending Master Plan to be finalised shortly, it is envisaged that this will be an area of high investment for the Shire in the next few years. If these funds are utilised as the Council’s contribution in a Community Sport & Recreation Facilities Fund (CSRFF) grant, they could represent a \$90,000 project.
- Energy Efficiency - \$30,000
This reserve was created in the current budget year to begin a process of investigating and implementing energy saving (or generation) measures, such as solar panels, in Council owned buildings. The Shire’s current power bills are considerable and investment in this reserve will create long term operational savings.

Modify Existing Reserves

During the review of existing reserve account appropriateness, the Bushfire Support reserve was flagged for deletion as both its name and definition were not appropriate. Rather than merely deleting this reserve, it is recommended that the Bushfire Support reserve account name and definition be updated to better reflect (and assist in achieving) the Council’s long term objectives. It is recommended that this reserve be changed as follows:

BUSHFIRE SUPPORT RESERVE:

- Rename to ‘Bushfire Communications’ reserve.
- Change definition from ‘To be used to support the activity of the Kojonup Bushfire Association’ to ‘To construct and maintain critical bushfire communication infrastructure.’

The Emergency Services Levy (ESL) provides all expenditure required by brigades and in addition, each brigade (except Lumeah) operate their own bank account and receives occasional grants. As such, it is considered that communications is the highest need for substantial bushfire expenditure in the Shire.

Conclusion

Should the recommendations listed above all be implemented, the reserves and budgeted balances as at 30 June 2015 will be as follows:

Plant Replacement Reserve	\$	52,151
Gravel Pits Reserve	\$	29,433
Economic Development Reserve	\$	35,957
Building Maintenance Reserve	\$	173,887
Historical Buildings Reserve	\$	56,542
Employee Leave Reserve	\$	96,551
Staff Housing Reserve	\$	23,959
Information & Communication Technology Reserve	\$	962
Springhaven Lodge Reserve	\$	532,345
Springhaven Units Reserve	\$	60,680
Low Income Housing Reserve	\$	26,707
Springhaven Buildings Maintenance Reserve	\$	46,082
Sporting Facility Reserve	\$	34,770
Drainage & Water Re-use Reserve	\$	2,082
Bushfire Communications Reserve	\$	96,308
Landfill Waste Management Reserve	\$	25,962
Kodja Place Tourist Precinct Reserve	\$	1,480
G & P Church Medical Centre Reserve	\$	-
Energy Efficiency Reserve	\$	60,000
Child Care Centre Reserve	\$	-
Land Acquisition & Development Reserve	\$	30,000
Community Grant Scheme Reserve	\$	5,000
Independent Living Units Reserve	\$	20,000
Youth Reserve	\$	10,000

CONSULTATION

Three (3) workshops have been held at Council briefing sessions on 1 July, 18 August and 2 September 2014.

STATUTORY REQUIREMENTS

Section 6.11 of the Local Government Act 1995 legislates reserve accounts and states:

- (1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.
- (2) Subject to subsection (3), before a local government —
 - (a) changes* the purpose of a reserve account; or
 - (b) uses* the money in a reserve account for another purpose,
 it must give one month's local public notice of the proposed change of purpose or proposed use.

* *Absolute majority required.*

- (3) A local government is not required to give local public notice under subsection (2) —
 - (a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or
 - (b) in such other circumstances as are prescribed.
- (4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.

POLICY IMPLICATIONS

There are no policy implications for this report, however, a financial governance policy is currently being drafted which includes the reasons for creating reserve accounts as set out in the background section of this report.

FINANCIAL IMPLICATIONS

This item suggests moving funds between reserve accounts, closing existing reserves and creating new reserves.

While the report does not in itself have a financial implication on the ‘bottom line’ of this years’ finances, reserve accounts are one of the major funding sources for major projects and a very important financial tool in managing the finances of the Shire day-to-day.

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

Maintaining a suitable forward planning process that is intrinsically linked to long term financial planning minimizes many risks, including those associated with the funding of major projects or the provision of essential equipment & infrastructure.

ASSET MANAGEMENT IMPLICATIONS

This item is central to good asset management, and the ability to fund identified major upgrades, renewal and replacement of assets as identified in the asset management plan. As previously mentioned, reserve accounts are one of the major funding sources for major projects and a very important financial tool in managing the finances of the Shire day-to-day, and therefore this review to ensure they remain focussed and appropriate is essential.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

133/14 Moved Cr Pedler, seconded Cr Trethowan that:

- 1. The following reserve accounts be closed and their funds be transferred in accordance with this motion:**
 - **Public Toilets;**
 - **Bridge & Road Maintenance; and**
 - **Emergency Response.**

- 2. New reserve accounts be created as follows:**
 - **Land Acquisition & Development - Opening balance \$30,000**

Definition - To fund the purchase of land, sub-division expenses and receipt sub-division sales revenue.

 - **Community Grant Scheme – Opening balance \$5,000**

Definition - To finance community grant scheme rounds and to financially manage larger community grants that may extend over more than one financial year.

 - **Independent Living Units – Opening balance \$20,000**

Definition – To transfer operating profits from Loton Close units to this reserve to fund major maintenance and future asset replacement.

 - **Youth – Opening balance \$10,000**

Definition - To fund the ‘Creating Opportunities for Youth’ objectives within the Community Strategic Plan, namely:
 - **Explore opportunities with local schools and youth organisations to create a Youth Advisory Council to engage and advise the Shire and Councillors on youth issues.**
 - **Promote the opportunities for traineeships and apprenticeships within local government.**
 - **Partner with Kojonup District High School to promote the advantages of local education.**
 - **Advocate for the retention of years 11 and 12 at Kojonup District High School.**
 - **Explore opportunities to create adult learning opportunities in Kojonup, with a focus on partnering with local businesses and organisations.**

- 3. The balance of the following existing reserve accounts be increased as follows:**
 - **Plant Replacement – \$34,000**
 - **Sporting Facilities - \$30,000**
 - **Energy Efficiency - \$30,000**

- 4. The Bushfire Support reserve be amended by renaming it the ‘Bushfire Communications’ reserve and its definition be changed to ‘To construct and maintain critical bushfire communication infrastructure.’**

- 5. The above changes be advertised in accordance with section 6.11(2) of the Local Government Act 1995 and be recorded by way of a special note in the 2014/2015 Annual Report.**

CARRIED BY ABSOLUTE MAJORITY

5/3

10.4 RISK MANAGEMENT PLAN INCLUDING POLICY

AUTHOR: Heather Sheppard – Senior Project Officer
DATE: Monday, 8 September 2014
FILE NO: RM.RKA.1
ATTACHMENT: [10.4 .1 Risk Management Plan including Policy](#)
[10.4.2 Risk Registers for Council, Office, Depot and Springhaven](#)

DECLARATION OF INTEREST

Nil

SUMMARY

To obtain Council endorsement to adopt the Risk Management Policy, the Risk Management Plan and the Risk Registers.

BACKGROUND

Recent changes to the *Local Government Audit Regulations (1996)* require local government CEO's to carry out at least a biennial review of legislative compliance, internal control and risk management and present the results of the review to Council's audit committee. The audit committee is to consider the CEO's review and report the results of the review to Council.

While the actual review process to be undertaken by the CEO is not stipulated, some of the matters that would typically be reviewed when considering risk include:

- Reviewing whether the local government has an effective risk management system and that material operating risks to the local government are appropriately considered.
- Reviewing whether the local government has a current and effective business continuity plan (including disaster recovery) which is tested from time to time.
- Assessing the internal processes for determining and managing material operating risks in accordance with the local government's identified tolerance for risk.
- Ascertaining whether fraud risks have been identified, analysed, evaluated, and that there is an appropriate treatment plan which has been implemented and monitored.

This process could not commence until the Risk Management Plan, Policy and Risk Registers were completed.

COMMENT

Extensive consultation and workshops were held across all areas of Council to finalise the Risk Registers. The Risk Management Policy and Risk Management Plan are tools to ensure compliance with the *Local Government Audit Regulations (1996)* and to assist all staff, senior management and Council to identify and manage all risks for their processes, procedures and future projects assessing any risk exposure to Council.

CONSULTATION

The process involved input from all Councillors, office staff, depot staff and Springhaven staff to identify risks in all areas of Council. There were further workshops held to rate each of the identified risks and finally to agree on the high and extreme risks that currently cause staff and Councillors concern.

STATUTORY REQUIREMENTS

Local Government Audit Regulations (1996)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC/CORPORATE IMPLICATIONS

Corporate Business Plan 2013-17

1.1: Being Well Governed

1.1.4.1: Implement organisation wide risk management.

RISK MANAGEMENT IMPLICATIONS

Compliance with the *Local Government Audit Regulations (1996)*

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

134/14 Moved Cr Sexton, seconded Cr Pritchard that Council:

- 1. Adopt the Risk Management Plan as attached; and**
- 2. Adopt the Risk Management Policy as included on Pages 38 and 39 of the attached Risk Management Plan.**

CARRIED

8/0

10.5 ADMINISTRATION CENTRE – FRONT OFFICE REFURBISHMENT

AUTHOR: Anthony Middleton – Manager Corporate Services
DATE: Tuesday, 9 September 2014
FILE NO: CP.MTC.13
ATTACHMENT: [10.5.1 Current Office Layout](#)
[10.5.2 Concept Plan](#)
[10.5.3 Workstation Layout](#)

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider a concept plan for the refurbishment of the front office area in the Shire Administration Centre.

BACKGROUND

The refurbishment of the front office area has been budgeted for the past two financial years yet has not progressed. Corporate Services staff and the Ranger have been progressing this scope of this project since the adoption of the 2014/2015 budget, as it is practical and economical to coincide this project with another budgeted project, being the re-cabling of the Shire Administration Centre.

COMMENT

The objectives of refurbishing and redesigning the layout of the front office area are as follows:

1. A more open office environment, with workstations focussed on the front counter;
2. 'Working areas', such as the mail and compilation table, to be out of sight from the counter;
3. Spare desks (hot desks) for part time, casual and relief staff;
4. A second meeting room;
5. An improved working environment for staff, including natural light and temperature;
6. Storage & day files to be less individual and to be incorporated into the organisational filing system;
7. New ceiling to improve heating and cooling;
8. Improved lighting & upgraded computer cabling;

Approximately fifteen (15) months ago, Howard & Heaver (H&H) Architects in Albany were engaged to provide concept plans for this project. These were used as a base for scoping of this project following its inclusion in the 2014/2015 budget. One of these plans provided was the starting point for the attached concept plan, and has been modified by the staff working group handling this project. Once a concept has been adopted by the Council, H&H will be requested to update the plans to enable accurate quotes and construction to occur.

While this project is very much in the concept stage, it is intended to progress very quickly to coincide with the re-cabling of the Shire Administration Centre. It is anticipated that both of these projects will be completed in 2014.

The area of the office subject to this review is proportionately large when considering that at present only four (4) staff members occupy this space. The attached concept plan makes better use of presently 'wasted' space, creates privacy to certain areas of the office (such as the kitchen), improves the focus on the customer, creates four additional workspaces, and will improve the natural light and environment for staff to work in.

CONSULTATION

Significant consultation has occurred with staff affected, and at a Council briefing session held 2 September 2014. This consultative process has evolved the scope of the project to the attached concept plan.

STATUTORY REQUIREMENTS

There are no statutory requirements for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

\$50,000 has been allocated in the adopted 2014/2015 annual budget (portion of account C191). The data re-cabling component of the project is covered by a separate budget allocation (account C137).

Once a concept plan has been approved by the Council, accurate construction quotes can be obtained. However, it is anticipated that the project will be completed within the budget provision.

STRATEGIC/CORPORATE IMPLICATIONS

This project is not contained within the Shire's strategic planning documents.

RISK MANAGEMENT IMPLICATIONS

An improved working environment, improved customer service focus and additional work space for staff helps to increase productivity and morale and will assist to minimize a range of risks identified in the risk matrix, ranging from occupational health and safety risks to absenteeism.

ASSET MANAGEMENT IMPLICATIONS

This project increases the functionality of a major Shire building asset.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

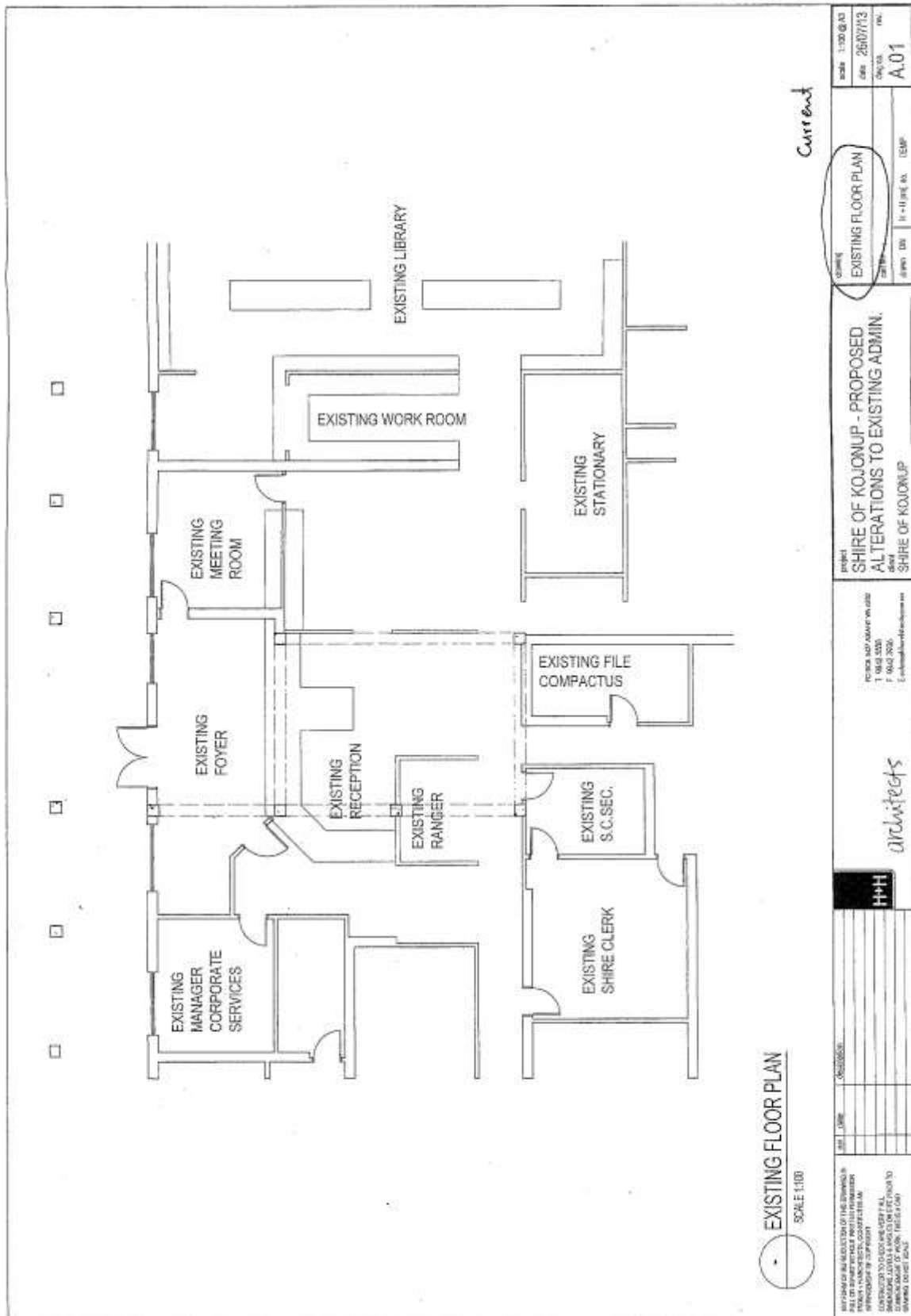
That the attached concept plan be adopted as the project scope for the Shire Administration Centre – front office refurbishment project

COUNCIL DECISION

135/14 Moved Cr Pritchard, seconded Cr Radford that Item 10.5 lay on the table pending further consideration by Councillors and Staff regarding short term and long term office requirements utilising plans, drawn to scale depicting existing and proposed layouts.

CARRIED

7/1





11 WORKS & SERVICES REPORTS**11.1 MULTI TYRE ROLLER QUOTES**

AUTHOR: Craig McVee – Manager of Works & Services
Heather Marland – Senior Finance Officer
DATE: Tuesday, 2 September 2014
FILE NO: PS.ACQ.3
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

Council is being requested to consider options for the sale of the Councils Caterpillar PS 300B Pneumatic Compactor (P28003) and GCM Multipac YL25C Roller (P28005) and the purchase of two new replacement Multi Tyre Rollers.

BACKGROUND

Council provided funds in the 2014/2015 Budget for the trade of the current rollers and the purchase of 2 new rollers. These items had previously been identified on Councils long term plant replacement program.

COMMENT

Quotations were sought through the WALGA Preferred Suppliers eQuotes Tool. Quotes were requested for the supply of two Multi Tyre Rollers, with each roller weighing a minimum of 19.4 tonne and a maximum of 24 tonne and a minimum of 95kw. For trade are Council's current Multi Tyre Rollers P28003 and P28005. The request was issued on 28 July 2014 to 4 vendors with a closing date of 28 August 2014. The four vendors were:

1. Dynapac- Atlas Copco Construction Equipment
2. JCB Construction Equipment Australia
3. Tutt Bryant Equipment
4. WesTrac Pty Ltd

The following quotes were received by 3 vendors; JCB did not submit a quote.

<u>New Roller Comparisons \$</u>				
	<u>New</u>	<u>Trade-in</u>	<u>Ex GST</u>	<u>Inc GST</u>
<u>Budget</u>	360,000	60,000	300,000	
<u>Dynapac</u>	350,000	60,000	290,000	319,000
<u>Net Changeover</u>			<u>290,000</u>	
<u>Bomag- Tutt Bryant</u>	158,000	40,000	118,000	129,800
	158,000	35,000	123,000	135,300
<u>Net Changeover</u>			<u>241,000</u>	
<u>Westrac Cat</u>	185,900	29,000	156,900	172,590
	185,900	43,000	142,900	157,190
<u>Net Changeover</u>			<u>299,800</u>	

New Roller Comparisons Specs

	Bomag	Caterpillar	Dynapac
Operating Mass Min	8.8	10000	10800
Operating Mass Max	25.1	27000	27000
Load per Wheel-max	3.138	3.38	3000
Cylinders	4	4	4
Kw	74.9	96.5	82
HP	99	129	110
Low Speed	7	6	7
High speed	20	19	20
Fuel Tank	250	270	210

Rollers are expected to be delivered in Kojonup mid November 2014.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

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 2014/2015 Budget Provides \$360,000.00 for 2 new Multi Tyre Rollers and \$60,000.00 for sale of Council's existing Multi Tyre Rollers P28003 and P28005 for a net changeover of \$300,000. The officer recommendation if adopted is within budget.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013-2023 Focus Area 1.1 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.

RISK MANAGEMENT IMPLICATIONS

Plant & Equipment purchases to accord with the Long Term Financial Planning and Works & Services Program with consideration to any changes to grant funding.

ASSET MANAGEMENT IMPLICATIONS

Plant & Equipment to be "fit for purpose" and accords with plant replacement program.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

136/14 Moved Cr Sexton, seconded Cr Pritchard that Council accept the quote provided by WestTrac for the purchase of 2 new Caterpillar CW34 Multi Tyre Rollers and the Trade of Council's existing rollers P28003 and P28005 for a total Net changeover of \$299,800.00 ex GST.

CARRIED**8/0**

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

AUTHOR: Michelle Dennis – Development Services Coordinator
DATE: Tuesday, 2 September 2014
FILE NO: CP.MTC.19
ATTACHMENT: [12.1.1 Site Plan - Locality Plan](#)
[12.1.2 Example Licences](#)
[12.1.3 Submissions](#)

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 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. Of the last eight financial years, four of these years have recorded less than 10,000 sheep. 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.

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 One 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 1 – 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 two 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.

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
Saleyards - Insurances	\$ 380	\$ 380
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 2 – Shire Budget - Saleyards

- 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 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 request for information also 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. 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.

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 report being finalized.

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.

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 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.

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 (ie excluding any required upgrades or maintenance costs), based on an average annual throughput of 11 218, fees would need to be increased to at least \$1.67 per head. The estimate for the Environmental Assessment is more than the fees paid by Elders Kojonup for the last six years.

Given the proximity to the Katanning Regional Saleyards, who charge \$0.75 per head, and offer undercover yarding it is considered unlikely that the competitive auction system available in Kojonup

would be capable of covering these additional yard fees. There would then 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*.

In the Shires of Boyup Brook and Capel, 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.

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.

The Show grounds have been identified as a possible 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. 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.

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; and
 Western Australian Farmers Federation.

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.

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.

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 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

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.

MOTION

Moved Cr Sexton, seconded Cr Radford that item 12.1 lay on the table until the next ordinary meeting of Council.

Cr Sexton foreshadowed that he intended to move the following motion:

‘That the saleyards be retained for further use. That a plan devised by the staff to ensure the retention of the existing saleyards be tabled.’

The current motion was now put and...

COUNCIL DECISION

137/14 Moved Cr Sexton, seconded Cr Radford that item 12.1 lay on the table until the next ordinary meeting of Council.

CARRIED**8/0**

Moved Cr Sexton that the saleyards be retained for further use and that a plan devised by the staff to ensure the retention of the existing saleyards be tabled.

The Shire President ruled that the motion could not be accepted as the procedural motion of laying item 12.1 on the table does not enable any further debate or consideration at this meeting.

12.2 DRAFT GUIDED DEVELOPMENT PLAN FOR LOTS 1, 84, 85, 100 & 101 KOJONUP-KATANNING ROAD, LOTS 50 & 105 JOHN STREET AND LOT 2 MURBY STREET, KOJONUP

AUTHOR: Phil Shephard – Town Planner
DATE: Monday, 8 September 2014
FILE NO: LP.SUB.3
ATTACHMENT: 12.2 Draft Guided Development Plan Report

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the additional advice provided by Opus International Consultants (PCA) Pty Ltd on the capacity of the existing stormwater drainage system to cater for the future development of the Katanning Road area.

BACKGROUND

The Shire at its June 2014 meeting considered a Guided Development Plan prepared by Edge Planning to show the future potential for the Residential Development zoned area at Katanning Road and resolved as follows:

91/14 Moved Cr Pritchard, seconded Cr Trethowan

That the motion lay on the table awaiting clarification on the capacity of the existing stormwater infrastructure to accommodate expected additional flows from the future development/subdivision of the land.

COMMENT

Following the Council decision, staff requested the additional information from Opus who have advised:

Based on the initial geotechnical investigation that I completed, the ground conditions across the site can be considered to have a low level of infiltration capacity. For the purpose of an assessment, a runoff coefficient of 50% has been adopted. (Note: Bitumen roads or house roofs would attract a coefficient of 90-100% whilst sandy conditions would have a value of about 20%). This means that during a rainfall event, the stormwater runoff is highly likely to flow across the ground rather than infiltrate.

For the purpose of the developed scenario, an assumption that each house will have a plan area of about 250m² results in the runoff coefficient slightly increasing to 56%. For a Q10 design rainfall event, this results in <5% increase in the runoff flow rate.

A review of the existing stormwater system downstream of the proposed development indicates that there are no inlet pits along Murby Road and as such, any stormwater runoff is collected on Murby Road and flows overland. As I can't get Google Maps access to MacBride Place, I don't know whether there are pits and pipes in this street and they pick up the design flows off the road. Unless the Shire have noticed that the existing stormwater system in, and downstream of, MacBride Place is unable to provide the required level of service that is desired, it is likely that it will be able to accommodate the modest increase in runoff from the fully developed conditions. The new system will need to provide sufficient pits in the system to pick up the street flow.

My suggestion is to seek advice from long term Shire employees who may have historical knowledge of the system and how it copes.

If there are concerns, I can complete a computer model assessment of the existing system which can incorporate the need, or otherwise, of detention basins in the proposed public open

space areas for a fee of \$1,800. I am assuming the Shire would be able to provide survey details of the stormwater system but I can arrange for this to occur if needed.

In the letter that Phil presented to me, there was a question of whether rainwater tanks could be used as an option. In principle, yes but because these will be located on private property, unless they are emptied out after each rainfall event, the potential storage can't be used. With regards to the road drains, the slope of the roads does not lend itself to detention.

The advice concludes the existing stormwater drainage system can cater for the proposed future development subject to it being upgraded by subdividers as the development proceeds and the inclusion of a public open space area in the design of the subdivision to incorporate detention basins is not necessary.

The other items regarding the design of the subdivision from June 2014 have been incorporated (namely, the design to be based on Concept Plan 1 (minus the public open space and requiring cash-in-lieu payments at the time of subdivision to be used to upgrade existing local parks in the area), lot sizes to provide a variety of lots between 850m² - 1,500m² including the potential unit sites on Lots 1, 2 and 85, the subdivisional road to show a through road although the construction be undertaken to create a linked cul-de-sac system and no future road connection to Schorer Street is to be provided).

Given the additional advice from Opus, Council is now requested to commence the process of adopting the Guided Development Plan as a Town Planning Scheme Policy as previously recommended in June 2014.

Council has the following options available at this stage:

- 1) Defer the proposed Policy and seek additional advice/make additional changes if deemed necessary; or
- 2) Not support the proposed draft Policy; or
- 3) Support the proposed draft Policy and proceed to undertake consultation on the draft plan.

CONSULTATION

To adopt a Town Planning Scheme Policy, consultation on the draft Policy is required as set out in c.7.6.2 of TPS3. In this instance, this would include advertising in local newspapers, direct referral to affected and adjoining/nearby landowners, government servicing agencies and the Department of Planning/WA Planning Commission.

Any submissions received will be reported back to Council for consideration of any modifications to the draft Policy/Plan.

STATUTORY REQUIREMENTS

Planning and Development Act 2005 – Town Planning Scheme No. 3 is an operative local planning scheme under the Act.

POLICY IMPLICATIONS

This item proposes the introduction of a new Town Planning Scheme Policy.

Clause 7.6 sets out the following process for adoption of a new Town Planning Scheme Policy as follows:

7.6 Power to Make Policies

- 7.6.1 *In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the control of development.*
- 7.6.2 *A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:*

- a) *The Council having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the Draft Policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the Draft Policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.*
 - b) *The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment, or not proceed with the Draft Policy.*
 - c) *Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the Scheme Documents for inspection during normal office hours.*
- 7.6.3 *A Town Planning Scheme Policy may only be altered or rescinded by:*
- a) *Preparation and final adoption of a new Policy pursuant to this clause, specifically worded to supersede an existing policy.*
 - b) *Publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.*
- 7.6.4 *A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve before making its decision.*

FINANCIAL IMPLICATIONS

The administration and advertising costs associated with the Policy are covered within the 2014/2015 budget.

Any costs to complete the development/subdivision of the land will be subject to a future report to Council.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013-2023 Focus Area 1.8 Building Prosperity.

Corporate Business Plan 2013-2017 Strategy 1.8.1.5 Support the creation of additional residential lots.

RISK MANAGEMENT IMPLICATIONS

Determine whole of life costs and link to Long Term Financial Plan.

ASSET MANAGEMENT IMPLICATIONS

Include future provision should development proceed for street lighting, footpath, drainage, road, street sweeping and weed management.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

138/14 Moved Cr Pritchard, seconded Cr Mathwin that Council adopt the draft Guided Development Plan for Lots 1, 84, 85, 100 & 101 Kojonup-Katanning Road, Lots 50 & 105 John Street and Lot 2 Murby Street, Kojonup as a draft Town Planning Scheme Policy under c.7.6 of TPS3 and undertake consultation on the draft policy as set out in the Consultation section of this report.

CARRIED**8/0**

12.3 PROPOSED SUBDIVISION OF LOT 1 MANOLINI ROAD, RYANSBROOK

AUTHOR: Phil Shephard – Town Planner
DATE: Thursday, 4 September 2014
FILE NO: LP.SUB.1
ATTACHMENT: 12.3 Proposed Subdivision Map

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider a proposal to subdivide the above rural lot into 2 lots as shown on the attached plan of subdivision.

The resubdivision is proposed to realign the boundaries to include some additional cropping/grazing land into the adjoining title as outlined in the application.

BACKGROUND

The subdivision proposal has been referred by the Western Australian Planning Commission (WAPC) to Council with a request for any information, comment or recommended conditions that Council seek to have the Commission consider in assessing the application.

Council is reminded that all applications for subdivision/amalgamation are submitted to, and determined by, the WAPC in consultation with relevant stakeholders (State Government bodies and Local Government). The WAPC provides 42 days for comments (closing on 7 October 2014) to be received from stakeholders. It is the WAPC's decision to act on any advice or recommendation received from Council.

COMMENT

The subdivision is proposed to create 2 lots:

- 1 lot of 268.2 hectares to be retained for farming purposes; and
- 1 lot of 86.2 hectares to contain the existing dwelling, sheds and a substantial area of remnant vegetation as a homestead lot.

The application contains details of a proposed Nature Conservation Covenant being considered with the Department of Parks and Wildlife to retain the existing remnant vegetation on the lot due to its high biodiversity value.

The homestead has access to Manolini Road and is clustered with other farm buildings in proposed Lot B.

The WAPC's DC3.4 'Subdivision of Rural Land' policy guides their decision-making on applications to subdivide including resubdivisions on rural zoned land to achieve the five key objectives of State Planning Policy 2.5 'Land Use Planning in Rural Areas' as follows:

- a) To protect rural land from incompatible uses by:
 - i) Requiring comprehensive planning for rural areas;
 - ii) Making land-use decisions for rural land that supports existing and future primary production and protection of priority agricultural land particularly for the production of food;
 - iii) Providing investment security for the existing and future primary production sector;
- b) To promote regional development through provision of economic opportunities on rural land;
- c) To promote sustainable settlement in and adjacent to existing urban areas;
- d) To protect and improve environmental, landscape and cultural assets; and
- e) To minimise land use conflicts.

Policy DC 3.4 advises the WAPC will consider rural subdivision applications in the following circumstances:

- a) To realign lot boundaries with no increase in the number of lots, where the resultant lots will not adversely affect rural land uses;
- b) To protect and actively conserve places of cultural and natural heritage;
- c) To allow for the efficient provision of utilities and infrastructure and/or for access to natural resources;
- d) In the Homestead lot policy area (Appendix 2), to allow for the continued occupation of existing homesteads when they are no longer used as part of a farming operation; and
- e) For other unusual or unanticipated purposes which, in the opinion of the WAPC, do not conflict with this and other relevant policies and are necessary in the public interest.

In regards to local planning, the subject land is zoned Rural under Town Planning Scheme No. 3. The objectives for the Rural zone under the Shire's Town Planning Scheme No 3 are as follows:

- a) The zone shall consist of predominantly rural uses.
- b) To protect land from urban uses that may jeopardise the future use of that land for other planned purposes which are compatible with the zoning.
- c) To protect the land from closer development which would detract from the rural character and amenity of the area.
- d) To prevent any development which may affect the viability of a holding.
- e) To provide for limited commercial accommodation opportunities in a rural environment consistent with the Council's Policy for 'Farmstay', 'Bed and Breakfast Accommodation' and 'Chalet' facilities.

The Shire's existing Policy No. 11 'Applications for Subdivision' provides for the following requirements for subdivisions/amalgamations in rural areas:

- Block size is no smaller than the prevailing lot sizes in the vicinity;
- Greater than 2 hectares in area;
- Each block has a well-made developed road access to it; and
- The amenity of the area is not adversely affected.

The proposed subdivision achieves the requirements of the policies and objectives for the rural zone under Town Planning Scheme No. 3. The proposed subdivision will create an additional lot and the proposed homestead lot at 88 hectares is substantially larger than the 20 hectare maximum contemplated by the WAPC.

In considering the proposal, Council has the following options:

- 1) Defer consideration and seek additional advice from the WAPC or applicants if deemed necessary; or
- 2) Support the proposal, with or without conditions; or
- 3) Refuse to support the proposal, giving reasons.

CONSULTATION

Nil.

STATUTORY REQUIREMENTS

Planning and Development Act 2005 – Town Planning Scheme No. 3 is an operative local planning scheme under the Act.

POLICY IMPLICATIONS

The Shire's existing Policy No. 11 'Applications for Subdivision' provides for the following requirements for subdivisions/amalgamations in rural areas:

- Block size is no smaller than the prevailing lot sizes in the vicinity;
- Greater than 2 hectares in area;
- Each block has a well-made developed road access to it; and
- The amenity of the area is not adversely affected.

FINANCIAL IMPLICATIONS

Nil. All costs in completing the subdivision conditions are to be met by the subdivider.

STRATEGIC/CORPORATE IMPLICATIONS

The item does not affect the Strategic or Corporate Plans.

RISK MANAGEMENT IMPLICATIONS

This item does not affect Council's Draft Risk Management Plan.

ASSET MANAGEMENT IMPLICATIONS

The item does not affect the Asset Management Plan.

VOTING REQUIREMENTS

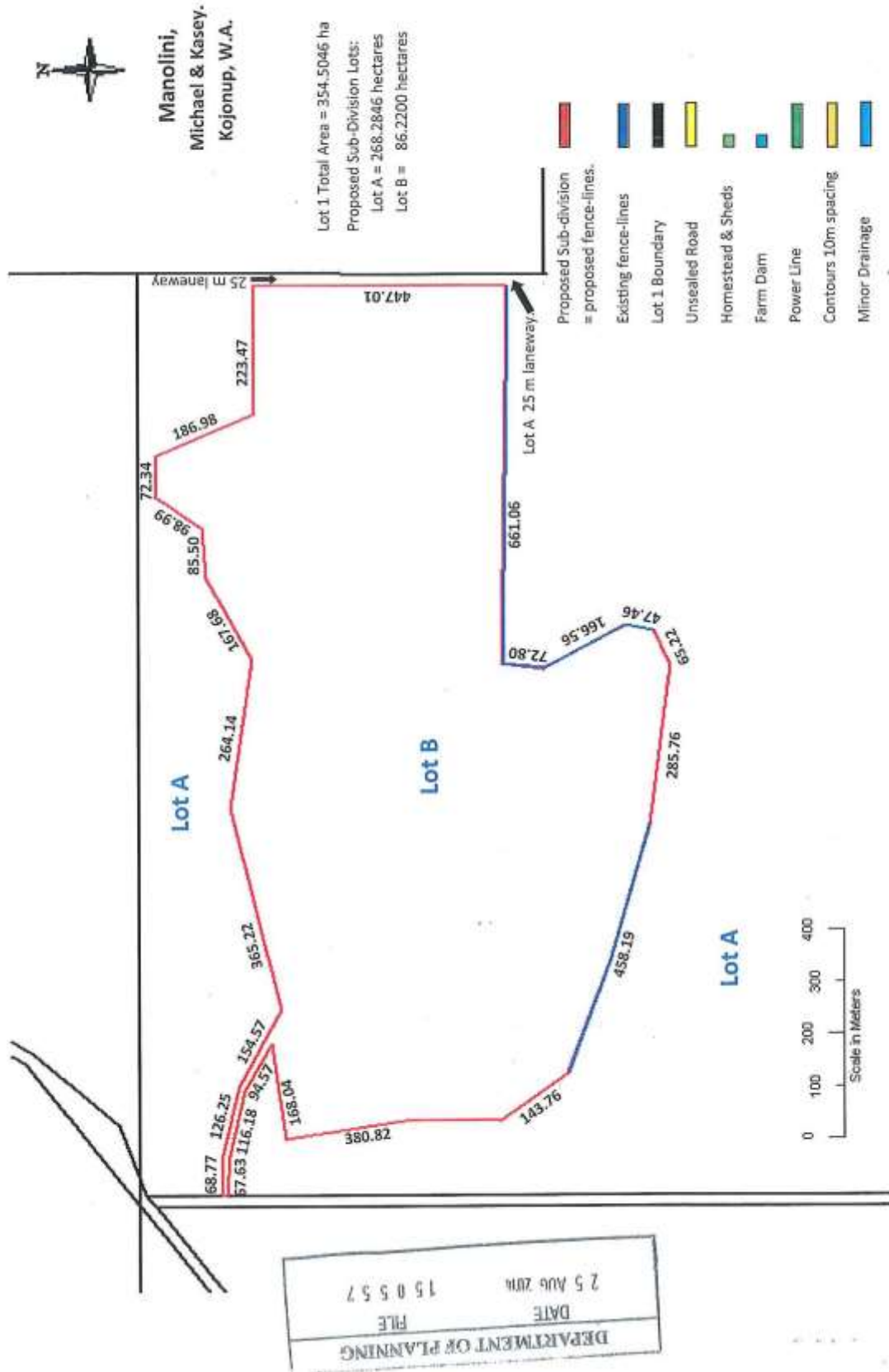
Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

139/14 Moved Cr Benn, seconded Cr Pedler that Council advise the Western Australian Planning Commission that it supports the proposed subdivision of Lot 1 Manolini Road, Ryansbrook into 2 lots as proposed on WAPC File 150557 free of conditions.

CARRIED

8/0



13 EXECUTIVE & GOVERNANCE REPORTS

Nil

14 COMMITTEES OF COUNCIL

14.1 KODJA PLACE ADVISORY COMMITTEE

COUNCIL DECISION / OFFICER RECOMMENDATION

140/14 Moved Cr Sexton, seconded Cr Benn that the attached unconfirmed minutes of the Kodja Place Advisory Committee held Thursday 21st August 2014 be received by Council.

CARRIED

8/0

14.2 KODJA PLACE – DRAFT STRATEGIC PLAN 2014

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Monday, 8 September 2014
FILE NO: GO.CNM.9
ATTACHMENT: 14.2 Draft Kodja Place Strategic Plan 2014

DECLARATION OF INTEREST

Nil

SUMMARY

The Kodja Place Advisory Committee seeks Council's formal adoption of the draft Strategic Plan following its meeting held 21st August 2014.

BACKGROUND

At the Council meeting held 19th November 2013 the following persons were elected by absolute majority as members of the Kodja Place Advisory Committee:

- Kojonup Tourist Association – Delegate Glenys Russell, Proxy Cr John Benn
- Kojonup Aboriginal Corporation – Delegate Craig McVee
- Kodja Place Community Fund Inc. – Delegate William Harvey, Proxy Roger Bilney
- Rose Maze – Delegate Cathy Wright, Proxy Katie O'Halloran
- Story place – Delegate Barbara Hobbs, Proxy Wendy Thorn
- Shire – Cr Fleay and the Chief Executive Officer, Proxy Cr Robert Sexton

Council Decision 47/14 from 15 April 2014 Council Meeting:

“That the Shire of Kojonup:-

- 1) Implement a new Management Structure commencing 1 July 2014 for Kodja Place by Council assuming full control of the Kodja Place Precinct (KPP) with operational aspects being the responsibility of the CEO and strategic aspects being the responsibility of Council.**
- 2) The structure to include the appointment of a Kodja Place Precinct Manager who will report directly to the CEO**
- 3) Establish a new Management Committee consisting of no more than 7 members who possess skills and capabilities required to effectively govern the Kodja Place Precinct and work with Council in establishing an integrated planning and reporting process.**
- 4) One of the seven Management Committee positions to be expressly for Noongar representation.**
- 5) Noongar operational input to be directly via the CEO.**
- 6) The CEO, Kodja Place Precinct Manager and Senior Management Team will liaise with existing users/staff to ensure intellectual knowledge is retained allowing a smooth transition to the new management structure as soon as practicable.**
- 7) The MOU between Council and the Kojonup Tourist Association be amended to reflect the new structure.**
- 8) Key Result Areas for 2014/2015 to include:-**
 - **Improved Strategic Planning,**
 - **Increase Noongar presence and involvement including traineeships/employment opportunities,**
 - **Extensive Cost/Benefit Analysis between existing and potential uses,**

- **Increase resource allocations such as IT upgrade in order to remain current and interactive,**
- **Forward maintenance and capital works programs,**
- **Reinvigorate Marketing, Promotion, Events Management & Planning, accessioning, displays etc.**
- **Training, skills development and succession planning,**
- **Clearly established processes, systems, procedures that eliminate duplication,**
- **Effective governance namely:-**
 - 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,**
 - 8) **Remunerate fairly and responsibly.”**

COMMENT

The Advisory Committee together with the Special Projects Officer – Heather Sheppard and Story Place Program Coordinator – Margaret Robertson have worked extensively on the draft Strategic Plan to revisit the original aims and objectives of the project and to identify improvements and opportunities for the entire facility at Kodja Place whilst retaining its cultural experience for visitors. The purpose of the strategic plan is to look at what those improvements and opportunities are and to formalize a list of strategic goals to ensure that the facility remains a viable proposition.

CONSULTATION

Extensive Consultation has been undertaken by Council, Advisory Committee members, Kojonup Aboriginal Corporation and Community by way of workshops, briefings, interviews and background research to gain a greater appreciation and understanding of Kodja Place and the inspiration and drive of the local community to build a facility incorporating a Visitor Information Centre, Aboriginal Cultural Heritage Centre, Historical Interpretive Museum and a Rose Maze.

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

Extracts from Council’s Annual Budgets covering the period 2006 – 2014 (8 financial years) for the Kodja Place Precinct for which ratepayer funds are required (excluding Kojonup Tourist Association and Community Fund Inc. income, if any) shows a disturbing annual average net cost of \$261,456 per annum or 9.32% of total rates.

Tourism & Area Promotion

	Annual net \$ cost	% of Total Rate Revenue
2006/7	218003	8.99
2007/8	195249	7.69
2008/9	295278	11.16
2009/10	283908	10.39
2010/11	300480	10.49
2011/12	288780	9.73
2012/13	253651	8.08
2013/14	256304	8.05

Maintaining this level of annual support is unrealistic, hence the need for an updated Strategic Direction and new approach 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.

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.

RISK MANAGEMENT IMPLICATIONS

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

Risks identified include:

- 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
- 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

Cr Benn declared an interest in this item.

Chief Executive Officer and Shire President both clarified this is not required for the strategic plan.

COUNCIL DECISION / OFFICER RECOMMENDATION

141/14 Moved Cr Mathwin, seconded Cr Sexton that Council adopts the Kodja Place Strategic Plan 2014 and commends the Advisory Committee and officers on their efforts.

CARRIED

8/0

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

Nil

16 **NEW BUSINESS**

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

Nil

17 CONFIDENTIAL REPORTS

17.1 101 ALBANY HIGHWAY, KOJONUP

17.2 TENDER FOR MANAGEMENT OF KEVIN O'HALLORAN MEMORIAL SWIMMING POOL

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
Mort Wignall – Manager of Regulatory & Community Services

DATE: Friday, 5 September 2014

FILE NO: A10215
FM.TND.3

ATTACHMENT: [17.1 Confidential Report](#)
[17.2 Confidential Report](#)

SUMMARY

To gauge Council's interest in making a purchase offer for 101 Albany Highway, Kojonup for future use as part of the Main Street Master Plan – Kojonup Town Square enhancement.

To consider a tender received from YMCA Perth (Inc.) for management of the Kevin O'Halloran Memorial Swimming Pool.

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

COUNCIL DECISION / OFFICER RECOMMENDATION

142/14 Moved Cr Mathwin, seconded Cr Pedler 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.**

CARRIED**8/0**

3:49pm Mr Craig McVee & Mrs Heather Marland left the Chamber.

The Shire President pointed out that Cr Pedler should leave the meeting as he has a proximity interest.

3:51pm Cr Pedler left the meeting.

COUNCIL DECISION / OFFICER RECOMMENDATION

143/14 Moved Cr Sexton, seconded Cr Pritchard that:

- 1. Council make a formal purchase offer of \$45,000 plus legal costs for 101 Albany Highway.**
- 2. Point 1 above be funded from General Ledger Account C308 – Main Street Master Plan.**

CARRIED**5/2**

4:01pm Cr Pedler returned to the meeting.

COUNCIL DECISION / OFFICER RECOMMENDATION

144/14 Moved Cr Trethowan, seconded Cr Pedler that:

- 1. Based on YMCA Perth (Inc.) not having complied with the conditions of Tender in that they failed to nominate a suitably qualified and experienced manager for the pool facility which was a key requirement in the Qualitative Criteria element of the Tender, and based on the cost of operating the pool in house being within the budget allocation their Tender be not accepted; and**
- 2. We commence recruitment of our own staff to operate the Kevin O'Halloran Memorial Swimming Pool for the foreseeable future.**

CARRIED**8/0****COUNCIL DECISION / OFFICER RECOMMENDATION**

145/14 Moved Cr Benn, seconded Cr Trethowan that the meeting be reopened to the public.

CARRIED**8/0**

18 **NEXT MEETING**

Tuesday, 21st October 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 4:05pm.

20 **ATTACHMENTS (SEPARATE)**

- Item 10.1.1 Monthly Statement of Financial Activity – July
- Item 10.1.2 Monthly Statement of Financial Activity – August
- Item 10.2 Monthly Payment Listing 1/8/2014 – 31/8/2014
- Item 10.4 .1 Risk Management Plan including Policy
- Item 10.4.2 Risk Registers for Council, Office, Depot and Springhaven
- Item 12.1.1 Site Plan - Locality Plan
- Item 12.1.2 Example Licences
- Item 12.1.3 Submissions
- Item 12.2 Draft Guided Development Plan Report
- Item 14.1 Unconfirmed Kodja Place Advisory Committee Minutes – Thursday 21st August 2014
- Item 14.2 Draft Kodja Place Strategic Plan 2014
- Item 17.1 Confidential Report
- Item 17.2 Confidential Report

Presiding Member

Date