

Kojonup



SHIRE OF KOJONUP

MINUTES

Ordinary Council Meeting

18 April 2017

MINUTES FOR THE COUNCIL MEETING HELD ON 18 APRIL 2017**TABLE OF CONTENTS**

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MINUTES

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

The Shire President declared the meeting open at 3:02pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points and drew the meeting's attention to the disclaimer below:

Disclaimer

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

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

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

2 **ATTENDANCE & APOLOGIES**

Cr Ronnie Fleay	Shire President
Cr Robert Sexton	Deputy Shire President
Cr Frank Pritchard	
Cr Ian Pedler	
Cr Graeme Hobbs	
Cr Ned Radford	
Cr Judith Warland	
Cr Jill Mathwin	

Mr Rick Mitchell-Collins	Chief Executive Officer
Mr Anthony Middleton	Manager Corporate Services
Mrs Susan Northover	Manager Aged Care Services
Miss Miranda Wallace	Executive Assistant
Mrs Dominique Magini	Records Officer
Miss Claire Servaas	Records Officer

APOLOGIES

Mr Phil Shephard	Town Planner
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3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

3.1 SPECIAL COUNCIL MEETING 1 DECEMBER 2016 – MRS. NARELLE GOODALL

Mrs Narelle Goodall attended the Special Council Meeting held 1 December 2016. She tabled the following as she wished to have her exact questions that were asked at that meeting placed on record:

“In the Council Minutes from Sept 2015, the Council decision stated, (& I quote) ‘the maximum height of the turbines must NOT exceed 150 metres, after the lodgement of an updated landscape and visual report to be approved by the CEO.’”

The meeting notes that Mrs Goodall was referring to Council Decision 138/15 which is a decision by Council to grant Moonies Hill Energy (MHE) an extension for its planning approval period to 21 December 2019. The report to Council for this Decision made reference however, to a previous Council Decision (109/11) which Mrs Goodall refers to, specifically the following section of Council’s Decision:

“The maximum height of the turbines must not exceed:

- 140m, relying upon the Landscape and Visual Assessment Report lodged with the application; or*
- 150m, after the lodgement of an updated Landscape and Visual Report, to be approved by the Chief Executive Officer.”*

Mrs Goodall’s second question tabled is:

“What obligation is there on Council or MHE to have been keeping the community & in particular the immediate neighbours informed of the amendments being made to the project? At what point do we get an opportunity to voice our concerns on amendments such as larger turbines?”

4 PUBLIC QUESTION TIME

Nil.

5 PETITIONS, DEPUTATIONS & PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Cr Sexton requested a leave of absence from the 16 May 2017 Council Meeting.

COUNCIL DECISION

29/17 Moved Cr Radford, seconded Cr Warland that Cr Sexton be granted a leave of absence from the 16 May 2017 Council Meeting.

CARRIED 8/0

7 CONFIRMATION OF MINUTES

ORDINARY MEETING 21 MARCH 2017

COUNCIL DECISION

30/17 Moved Cr Mathwin, seconded Cr Hobbs that the Minutes of the Ordinary Meeting of Council held on 21 March 2017 be confirmed as a true record.

CARRIED 8/0

8 ANNOUNCEMENTS by the Presiding Member without discussion

Nil

9 DECLARATIONS OF INTEREST

Item 12.1

- Cr Pedler declared a ‘Proximity’ interest as his business office is directly opposite the applicant’s store.

10 CORPORATE SERVICES REPORTS**10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (MARCH 2017)**

AUTHOR: Anthony Middleton – Manager Corporate Services
 DATE: Tuesday, 11 April 2017
 FILE NO: FM.FNR.2
 ATTACHMENT: 10.1 Quarterly Statement of Financial Activity

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this report is to note the Quarterly Financial Statements for the period ending 31 March 2017.

BACKGROUND

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

COMMENT

The attached Statement of Financial Activity for the period 1 July 2016 to 31 March 2017 represents nine (9) months, or 75% of the year. The following items are worthy of noting:

- Surplus position of \$1.35m;
- Operating results:
 - 70% of budgeted operating revenue received; and
 - 76% of budgeted operating expenditure spent;
- Capital expenditure achieved 43% of budgeted projects;
- The value of outstanding rates equates to 6.7% of 2016/2017 rates raised, which includes previous years arrears but excludes deferred rates;
- Cash holdings of \$4.19m of which \$3.06m is held in cash backed reserve accounts;
- Page 7 & 8 of the statements detail major variations from year to date (amended) budgets in accordance with Council Policy 2.1.6.

The following capital expenditure projects have exceeded their authorised budgets:

COA	Description	Resp. Officer	Original Budget	YTD Actual	% of Annual Budget
C297	Independent Living Units - Land	CEO	\$108,000	\$158,288	147%
C165	Landfill Site – Boundary Fence	MRS	\$25,000	\$28,739	115%
C257	Landfill Site – Access Road	MRS	\$0	\$118	n/a
C252	Town Drainage Renewal	MWS	\$10,000	\$18,722	187%

Account C297 is an allocation error, as this project has three (3) separate account numbers. The project as a whole has not exceeded the authorised budget.

The Council is fully aware of the financial performance of the Black Cockatoo Café. As an update during the month of March 2017 expenditure decreased while revenue increased, however, the net result was still another loss for the month being \$5,561. This net loss

occurred due to the coffee machine breaking a seal and being out of action for over a week. A simple equipment failure despite the efforts of management and staff to increase efficiencies unfortunately affects bottom line results. As at 31 March 2017, the operating deficit (excluding capital grants) was \$89,846, surpassing the revised budget adopted in January of \$78,000 (Agenda Item 13.1 deals specifically with options for the Black Cockatoo Café).

CONSULTATION

Nil.

STATUTORY REQUIREMENTS

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* 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 – 2023

Outcomes:

- G1 – Being Well Governed

Corporate Business Plan 2013 – 2017

Objectives:

- G1.1.2 – Maintain a structured forward planning process in accordance with legislation and community aspirations
- G1.1.4 – Maintain robust systems and controls

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications for this report.

ASSET MANAGEMENT PLAN IMPLICATIONS

There are no asset management implications for this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION/OFFICER RECOMMENDATION

31/17 Moved Cr Pritchard, seconded Cr Mathwin that the monthly financial statements for the period 1 July 2016 to 31 March 2017, as attached, be noted.

CARRIED 8/0

UNCONFIRMED

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Christine Coldwell – Finance Officer
DATE: Friday, 10 April 2017
FILE NO: FM.AUT.1
ATTACHMENT: 10.2 Monthly Payment Listing 01/03/2017 – 31/03/2017

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments covering the month of March 2017

BACKGROUND

Not applicable.

COMMENT

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

Any comments or queries regarding the list of payments is to be directed to the Manager of Corporate Services 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 2.1.2 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 PLAN IMPLICATIONS

There are no asset management implications for this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION/OFFICER RECOMMENDATION

32/17 Moved Cr Radford, seconded Cr Mathwin that in accordance with Regulation 13 (1) of the *Local Government (Financial Management) Regulations 1996*, the list of payments as attached made under delegated authority:

FROM – 1 March 2017		TO – 31 March 2017
Municipal Cheques	13848 – 13861	\$55,160.02
EFTs	18254 – 18456	\$519,733.40
Direct Debits		\$417,055.91
Total		\$991,949.33

be received.

CARRIED 8/0

11 WORKS & SERVICES REPORTS

11.1 VEHICLE LICENCE CHANGES AND PLANT REPLACEMENT

AUTHOR: Anthony Middleton – Manager Corporate Services
DATE: Tuesday, 11 April 2017
FILE NO: FM.FNR.2
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this report is to note changes to the local government vehicle licence and stamp duty exemption changes and to consider minimising the impact this has on the 2017/2018 plant replacement program.

BACKGROUND

The Department of Transport wrote to the Shire on 30 December 2016 advising that “effective 1 July 2017, the Department of Transport will discontinue vehicle licence concessions currently offered to Western Australian local government authorities.”

According to advice from the Department of Transport, the components of a vehicle registration are:

- Licence fee – not currently paid by a Local Government
- 3rd party insurance fee – currently paid by a Local Government
- GST on 3rd party insurance fee - currently paid by a Local Government
- Stamp duty on the 3rd party insurance fee - currently paid by a Local Government
- Recording fee – currently paid by a Local Government

After 1 July 2017 a Local Government will be required to pay the following additional components of a vehicle registration:

- Licence fee
- Stamp duty on new vehicle purchases

The cost of these changes to the Shire will be approximately \$68,000, being:

- \$28,350 increase in Licence fee; and
- \$40,000 payable in stamp duty on new vehicle purchases (based on 2017/2018 plant purchases)

The State Government decision represents a 2% increase of the Shire’s property rates.

COMMENT

The removal of concessions to local government raises two immediate issues. The first, is the industry response to lobby and have this arbitrary decision reversed. Secondly, how can we minimise the financial impact for the Shire of Kojonup.

Lobbying

The WA Local Government Association (WALGA) are leading the lobbying of the State Government to have this decision overturned. Shire staff have provided WALGA with all of the information required to assist them in this cause, and Council representative to the Great Southern zone of WALGA, Cr Mathwin, has also placed this issue on the zone agenda. It is

recommended that the Council formally state its full support to WALGA in their efforts to have this decision reversed.

Financial Impact

Assuming that the change to concession is here to stay, the Shire has a window of opportunity (until 1 July 2017) to change over vehicles planned for 2017/2018 whilst still enjoying the stamp duty exemption on new vehicle purchases.

Stamp duty on new vehicle purchases is calculated as follows:

- Heavy Plant – 3% of purchase price; and
- Light Plant and Passenger Vehicles – a sliding scale based on purchase price. For example:
 - \$25,000 – 2.75%
 - \$30,000 – 3.00%
 - \$35,000 – 4.25%
 - \$40,000 – 5.00%
 - \$45,000 – 5.75%
 - \$50,000 and above – 6.50%

The above stamp duty rates show that the greatest savings are to be made if the more expensive passenger vehicle purchases planned for 2017/2018 are bought forward to the current financial year, thus avoiding the payment of stamp duty. The current 11 year plant replacement program shows the following vehicles due for changeover:

Vehicle	Purchase	Trade-In	Net Cost
KO.5 – MACS – Toyota RAV 4	\$34,000	(\$22,000)	\$12,000
38.KO – Office Pool Vehicle – Toyota RAV 4	\$28,000	(\$19,000)	\$9,000
KO.629 – CEO – Holden Caprice	\$50,000	(\$28,000)	\$22,000
KO.16 – MWS – Toyota Prado	\$57,000	(\$39,000)	\$18,000
KO.10 – Mechanic – Mazda BT50	\$54,000	(\$25,000)	\$29,000
MCD&T – RAV4	\$28,000	(\$19,000)	\$9,000
KO.2 – Works Supervisor – Toyota Hilux	\$43,000	(\$22,000)	\$21,000
KO.118 – Senior Horticulturist – Toyota Hilux	\$35,000	(\$17,000)	\$18,000
Ranger – Toyota Hilux	\$43,000	(\$17,000)	\$26,000
			\$164,000

The plant reserve balance as at 30 June 2017 is budgeted to be \$191,719. This represents the total possible amount available to spend now on next year's plant replacement to avoid the payment of stamp duty next financial year. Whilst the opportunity is there to make some savings now, it is also not recommended that the plant replacement reserve be emptied in doing so!

It is also recommended that any additional purchases made prior to 30 June 2017 be added to the Plant Reserve transfer calculations for the 2017/2018 budget to ensure that the long term program and affordability is not compromised.

Based on an analysis of purchase price (stamp duty saved) compared to kilometres travelled and age of vehicle, it is recommended that the following vehicles be changed over prior to 30 June 2017 and the budget adjusted accordingly:

Vehicle	Purchase	Trade-In	Net Cost	Stamp Duty Savings
KO.5 – MACS – Toyota RAV 4	\$34,000	(\$22,000)	\$12,000	\$1,190
KO.629 – CEO – Holden Caprice	\$50,000	(\$28,000)	\$22,000	\$3,250
KO.16 – MWS – Toyota Prado	\$57,000	(\$39,000)	\$18,000	\$3,705
KO.10 – Mechanic – Mazda BT50	\$54,000	(\$25,000)	\$29,000	\$3,510
	\$195,000	(\$114,000)	\$81,000	\$11,655

CONSULTATION

Manager of Works, Senior Finance Officer and Chief Executive Officer

STATUTORY REQUIREMENTS

Regulation 69(b) of the *Road Traffic (Vehicles) Regulations 2014* defines local government vehicles that will be affected by the removal of the concessions. Vehicles licenced under regulation 69(c) and 69(d) such as certain fire and emergency vehicles and vehicles fitted with an approved wheelchair hoist or ramp will not be affected.

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

This item reports on a state government policy change that will negatively impact the Shire financially by approximately \$68,000 per annum, or 2% of rates raised. Part of the recommendation seeks to minimise this impact in the short term by bringing forward vehicle change-overs to avoid these ‘new’ costs.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023

Outcomes:

- G1 – Being Well Governed

Corporate Business Plan 2013 – 2017

Objectives:

- G1.4 – Maintain robust systems and controls

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications for this report.

ASSET MANAGEMENT PLAN IMPLICATIONS

The introduction of stamp duty increases the cost of updating our plant and vehicles by between 2.75% and 6.50%. This makes it more difficult financially maintain our current standard of plant and may result in deferring new purchases due to affordability, thus having a negative impact on asset management.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

This is a state-wide issue and a copy of this report will be forwarded to our VROC partners.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION/OFFICER RECOMMENDATION

33/17 Moved Cr Sexton, seconded Cr Warland that:

1. The Council formally advise WALGA of its full support in its lobbying efforts to reverse the Department of Transport's removal of vehicle licence concessions to local governments in WA;

2. The following vehicles be changed over prior to 30 June 2017:

Vehicle	Purchase	Trade-In	Net Cost
KO.5 – MACS – Toyota RAV 4	\$34,000	(\$22,000)	\$12,000
KO.629 – CEO – Holden Caprice	\$50,000	(\$28,000)	\$22,000
KO.16 – MWS – Toyota Prado	\$57,000	(\$39,000)	\$18,000
KO.10 – Mechanic – Mazda BT50	\$54,000	(\$25,000)	\$29,000
	\$195,000	(\$114,000)	\$81,000

3. The 2017/2018 Budget be amended as follows:

- Account 7604 'Plant Purchases' be increased by \$195,000;**
- Account 9605 'Proceeds from the Sale of Assets' be increased by \$114,000; and**
- Transfer from Plant Reserve be increased by \$81,000.**

CARRIED BY ABSOLUTE MAJORITY

8/0

12 REGULATORY SERVICES REPORTS**12.1 APPLICATION FOR DEVELOPMENT APPROVAL FOR 2 NEW FLAG SIGNS FOR GALLERY AURA ART GALLERY – 100 ALBANY HIGHWAY, KOJONUP**

AUTHOR: Phil Shephard – Town Planner
DATE: Tuesday, 11 April 2017
FILE NO: A5488
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider an application for development approval to erect 2 new flag signs on the building wall facing Albany Highway on above property.

Council approval is required as the new signs do not comply with some of the requirements of the Council's adopted Town Planning Scheme Policy No 3 – Advertising Signs and cannot be considered under delegated authority must be referred to the Council for a decision.

The recommendation is to grant development approval subject to conditions.

BACKGROUND

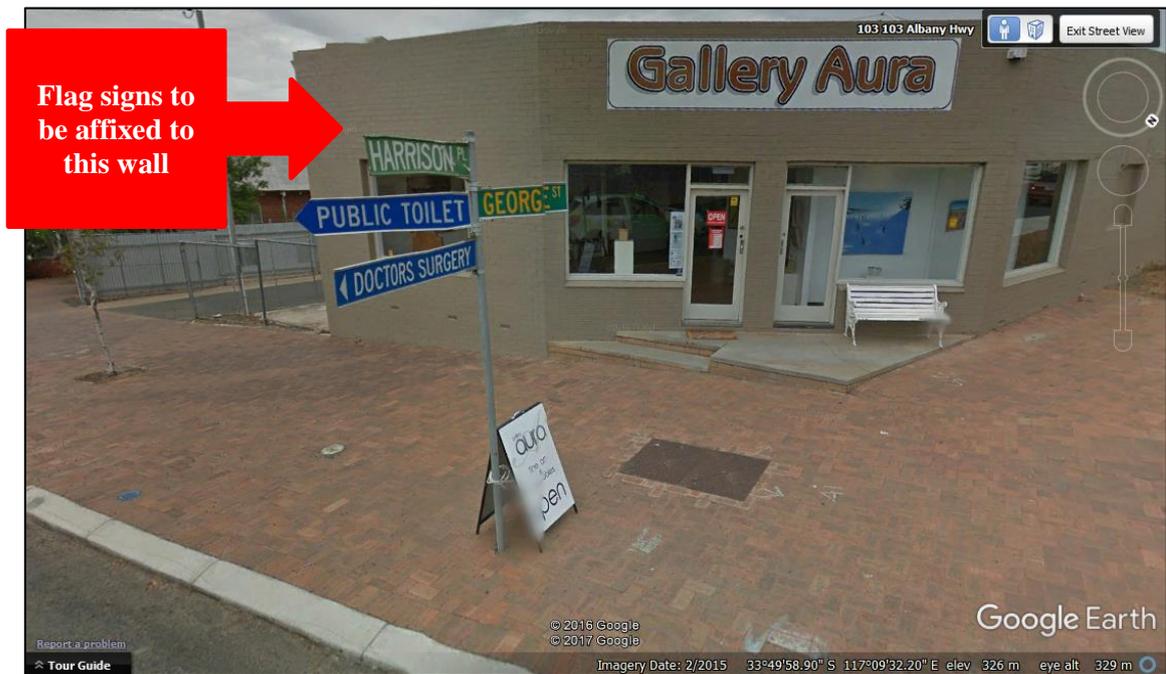
Nil.

COMMENTProposal

The proposal includes affixing 2 brackets to the East-facing wall of Gallery Aura to display 2 flag signs 94cm x 2.5m to advertise the art gallery.

The property has frontage to Albany Highway and George Street with the gallery shopfront of the building facing Albany Highway. The lot has vehicle access to the rear storage shed area and private parking area off Albany Highway through to George Street.

The flags will hang over the road reserve into Albany Highway which is under the care and control of Main Roads WA and they have been contacted with a request to consider the proposed flag signs and provide their advice.



*Existing building showing East-facing wall along Albany Highway
(image from Google Earth)*

The site has been approved for the art gallery.

Zoning and Land Use/Development

The property is 1,138m² in area and contained within the Commercial zone under TPS3.

The objectives for the Commercial zone (c.3.2.3) in TPS3 are:

- (a) *To provide a variety of service functions, predominantly commercial, service, and administrative uses.*
- (b) *To maintain a compact and accessible centre.*
- (c) *To centralise commercial and service functions.*

- (d) *To maintain safety and efficiency of traffic flows and provide for adequate facilities for the storage and circulation of vehicles.*
- (e) *To preclude the storage of bulky and unsightly goods where they may be in public view.*
- (f) *To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.*
- (g) *To provide sheltered places for pedestrians.*
- (h) *To restrict industrial type uses to service or low impact, labour intensive industries that relate to the centre functions.*
- (i) *To reduce uses attracting large volumes of truck traffic other than to service retail outlets.*
- (j) *To provide for residential uses only where the uses are combined with a commercial use, e.g. hotel, or where the residential uses occupy a floor level where it is impracticable or inappropriate to establish a shop or office.*

Clause 5.17 Control of Advertising is used to control advertising signs within the Shire. In respect to sign applications, c.5.17.3 Consideration of Applications states:

“Without limiting the generality of the matters which may be taken into account when making a decision upon an application for Planning Consent to erect, place or display an advertisement, the Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, the amenity of adjacent areas which may be affected and traffic safety.”

Some types/forms of signs are exempt from requiring Council approval. The exemption in c.5.17.4 of TPS3 states:

“Subject to the Provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of Clause 5.17.1, the Council’s prior Planning Consent is not required in respect of those advertisements listed in Schedule VI which for the purpose of this Part are referred to as ‘exempted advertisements’. The exemptions listed in Schedule VI do not apply to buildings:

- (i) *Listed by the National Trust.*
- (ii) *Listed on the Register of the National Estate.*
- (iii) *Included in Local Authority Town Planning Schemes because of their heritage or landscape value.”*

Schedule VI Exempted Advertisements pursuant to c.5.17 of TPS3 includes the following exemptions:

<i>Land Use and/or Development Requiring Advertisement</i>	<i>Exempted Sign Type and Number (Includes the Change of Posters on Poster Signs and Applies to all Non-Illuminated Signs Unless Otherwise Stated</i>	<i>Maximum Area of Exempted Sign</i>
<i>Shops, Showrooms and other uses appropriate to a shopping area</i>	<i>All advertisements affixed to a building below the top of the awning or, in the absence of an awning, below a line measured at 5m from the ground floor level of the building</i>	<i>n/a</i>

The proposed flag signs will not be permanently affixed to the building and will protrude over the lot boundary into the highway road reserve and are therefore not considered exempt in this instance. The proposed flag signs will only be displayed during trading hours and are not expected to adversely affect the character or amenity of this commercial area in Kojonup or create any traffic safety issues.

Town Planning Scheme Policy No. 3 – Advertising Signs

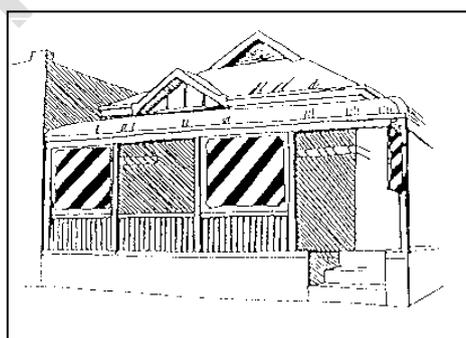
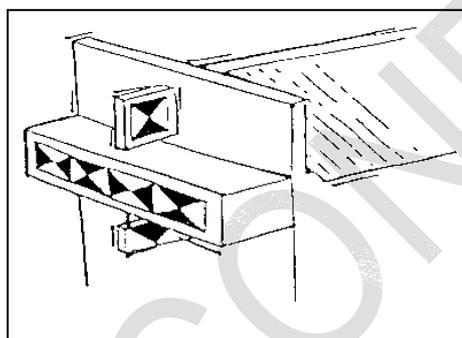
The Town Planning Scheme Policy No. 3 advises that any advertising sign that is not exempt shall be assessed in accordance with this Policy and any application that does meet these Policy requirements will be submitted to Council for consideration.

The Policy includes a Table indicating the types of permissible signs within ex-each zone under TPS3. Within the Commercial zone: roof, wall, projecting, window, pylon, on-ground, panel, product display, public information and business direction signs; are all permissible types of sign under the Policy.

The flag signs are considered to be projecting signs under the Policy and the following standards apply:

4.6 *Projecting Signs*

This is an advertising sign which is attached to a projection (including a verandah) from a building which projects more than 300m from a wall of the building below the eaves or ceiling height (see pictures below).



The standards for projecting signs and the proposed new flag signs are considered in the table below:

<i>Sign Standards</i>	<i>Comment</i>
<i>a) be limited to 1 sign per tenancy/lot;</i>	<i>The proposal is for 2 flag signs and does not comply with the standard.</i>
<i>b) have a minimum clearance of 2.4m from the ground;</i>	<i>The proposed flag signs will be affixed 1m above the footpath and does not comply with the standard.</i>
<i>c) when attached on the fascia of a verandah, shall not project beyond the outer frame or surrounds of the fascia;</i>	<i>n/a</i>
<i>d) where erected over public land such as a road reserve or footpath, the applicant must provide written confirmation at the time of application that they accept responsibility for its maintenance and</i>	<i>To be placed as condition of approval for signs if granted.</i>

<i>Sign Standards</i>	<i>Comment</i>
<i>have obtained public liability insurance to cover any claim should an accident involving the approved sign occur;</i>	
<p>e) <i>when attached on the underside of a verandah shall:</i></p> <p>i. <i>not exceed 2.4m in length or exceed 600mm in a vertical dimension;</i></p> <p>ii. <i>not project beyond the outer frame or surround of the verandah; and</i></p> <p>iii. <i>be at right angles to the front street boundary except on a corner lot where the signs may be placed so as to be visible from both streets;</i></p>	n/a
<p>f) <i>when attached directly to the building shall:</i></p> <p>i. <i>not project more than 1m from the outer wall and not exceed 2m² in area;</i></p> <p>ii. <i>not be placed within 2m of either end of the wall to which they are attached (in exceptional circumstances such as a narrow shop front Council may allow a reduction), and</i></p> <p>iii. <i>not project above the top of the wall to which they are attached;</i></p>	<p><i>The proposed flag signs:</i></p> <ul style="list-style-type: none"> • <i>Will project less than 1m from the wall;</i> • <i>Are 2.35m² in area each and would have a total area of 4.7m²;</i> • <i>Can be placed away from the wall ends; and</i> • <i>Can be placed to not project above the top of the wall.</i> <p><i>The proposed flag signs do not comply with the maximum area of signs standard.</i></p>
<p>g) <i>where the sign utilises blinds or screens dropped vertically down from the fascia of a verandah, awning or canopy to provide protection from the sun, rain or wind and contains advertising, these blinds or screens shall:</i></p> <p>i. <i>be fixed securely into position and not create a hazard for vehicles or pedestrians;</i></p> <p>ii. <i>be limited to the name of the business or the form of activity taking place within the building (i.e. Chemist, Bakery etc.);</i></p> <p>iii. <i>all blinds or screens must be kept in good repair and condition.</i></p>	n/a

The proposed flag signs are not compliant with several standards namely; number of signs, minimum clearance from footpath and maximum area of sign set out in the Policy.

In considering the weight to be applied to a Policy when considering an application, c.7.6.4 of TPS3 states:

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.

TPS3 Considerations

The *Planning and Development (Local Planning Schemes) Regulations 2015* (c.67) requires the Council in considering an application for development approval have regard to those matters relevant to the application from the list. Those relevant matters are discussed in the table below:

<i>Matter to be Considered</i>	<i>Response</i>
<i>(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</i>	<i>The proposal to establish the new signs is considered consistent with the aims and the provisions of TPS3 namely the objectives for the Commercial zone.</i>
<i>(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;</i>	<i>The proposals are considered consistent with the orderly and proper planning of the locality.</i>
<i>(g) any local planning policy for the Scheme area;</i>	<i>The new flag signs are considered consistent with the aims in Town Planning Scheme Policy No. 3 Advertising Signs. However, they do not comply with several standards in the Policy.</i>
<i>(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i>	<i>The new signs will only be displayed during trading hours and are designed to be visible along Albany Highway and attract new business to the shop.</i>
<i>(n) the amenity of the locality including the following: (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;</i>	<i>The new signs are not expected to adversely affect the amenity and character of the locality. The building is not noted as having any cultural heritage value to the community.</i>
<i>(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;</i>	<i>The proposals are not affected by any known risk.</i>
<i>(r) the suitability of the land for the development taking into account the</i>	<i>The proposed signs will project over the footpath area. In accordance with the Policy</i>

<i>Matter to be Considered</i>	<i>Response</i>
<i>possible risk to human health or safety;</i>	<i>No. 3, where a sign is erected over a road reserve/footpath, the applicant must provide written confirmation at the time of application that they accept responsibility for its maintenance and have obtained public liability insurance to cover any claim should an accident involving the approved sign occur. This would be placed as a condition of development approval for the flag signs if they are approved.</i>
<i>(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;</i>	<i>The proposals are not expected to create any significant additional vehicle traffic in the area and the existing road system can handle the expected traffic loads. No impact on traffic/pedestrian safety is expected and the application has been referred to MRWA, as it affects Albany Highway, for their comment and advice.</i>
<i>(w) the history of the site where the development is to be located;</i>	<i>The site has a long history as a shop in Kojonup.</i>

The Council has a number of options available to it, which are discussed below:

- 1 *Not approve the Proposal*
The Council can choose to refuse to approve the proposal and advise the proponent giving reasons. If this option was chosen, the new dwelling would not be able to be constructed.
- 2 *Approve the Proposal*
The Council can choose to approve the proposal, with or without conditions.
- 3 *Defer the Proposal*
The Council can choose to defer the matter for a period of time and seek additional information from the proponents, if deemed necessary to complete the assessment, before proceeding to make a decision.

This is a discretionary decision and the applicant has a right to request a review of any decision and/or condition made by the Local Government to the State Administrative Tribunal if aggrieved by the decision and/or any condition.

CONSULTATION

Application referred to Main Roads WA (Albany) for consideration and comment.

STATUTORY REQUIREMENTS

Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015 - The processing of a development application is required to comply with the requirements of Town Planning Scheme No. 3 which is an operative local planning scheme under the Act/Regulations.

POLICY IMPLICATIONS

Town Planning Scheme Policy No. 3 – Advertising Signs apply to this report (see Comments section of report above).

FINANCIAL IMPLICATIONS

The applicant is required to pay the development application fee of \$147 as set out in the adopted 2016/17 List of Fees and Charges.

STRATEGIC/CORPORATE IMPLICATIONS

The item is not covered in the Community Strategic Plan 2013 – 2023 or Corporate Business Plan 2013 – 2017.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) STRATEGIC PLAN IMPLICATIONS

The item is not covered in the Southern Link VROC Strategic Directions 2015 – 2020 plan.

RISK MANAGEMENT IMPLICATIONS

The item covers several risk areas to Council including strategy and planning, compliance and reputation functions. The organisational risk and proposed treatment or mitigation is summarised in the following table from the Shire's Risk Management Plan:

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
Council does not approve the new flag signs	Unlikely	Minor	Low	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring.

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

3:12pm – Cr Pedler declared a proximity interest and departed from the Chamber.

COUNCIL DECISION/OFFICER RECOMMENDATION

34/17 Moved Cr Pritchard, seconded Cr Warland that Council grant development approval for the 2 new flag signs for Gallery Aura at No. 100 Albany Highway, Kojonup subject to the following conditions:

- 1) The development to be in generally in accordance with the stamped approved plans, unless a variation has been approved by the Chief Executive Officer.
- 2) The flag signs to only be displayed during the gallery trading hours and removed outside these hours.
- 3) Prior to the signs being displayed, the applicant providing written confirmation that they accept responsibility for the erection and ongoing maintenance of the brackets/signs and have obtained public liability insurance to cover any claim should an accident involving the approved signs occur.
- 4) This approval for the flag signs is for Gallery Aura only and is not transferrable to any subsequent lessee/purchaser of the lot.

Advise Notes:

- 1) *Please ensure the brackets for the flag signs are securely affixed to the wall in accordance with the manufacturer's specifications.*

CARRIED 5/2

3:28pm – Cr Pedler returned to the Chamber.

12.2 COMMUNICATIONS TOWER – LEASE AGREEMENT S. & M. WILLIAMS OFF SAMSON ROAD

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Monday, 10 April 2017
FILE NO: ET.MTC.1
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

To seek Council's support to prepare a Lease Agreement in relation to the existing Communications Tower located on Stacey Williams' property backdated to 1 July 2013 until investigations into Council securing a more permanent site on land controlled by the Shire is completed and a new tower constructed.

BACKGROUND

Copy of Discussion Paper prepared by Cr Robert Sexton (December 2016) in consultation with Digby Stretch, (retiring CBFCO) and Shire Staff.

"Preamble

The Kojonup Shire Council by the authority of the Local Government Act and the Bushfires Act (1954) creates the Bushfire Brigades, appoints the various officers and FCO's and most importantly the Chief Bushfire Control Officer (CBFCO). Each Brigade has several radios, both fixed in vehicles and handheld, for the purposes of communicating with one another. The CBFCO has the prime responsibility of field command and through the radio network of forty-four transceivers is in communication with all the Brigades and other senior FCO's in the carrying out their duties in respect to firefighting or another emergency. This includes communicating with other emergency services (DFES) and the water bombers on occasion.

In the event of wildfire, or other emergency, the radio network is the linchpin through which the CBFCO can control and co-ordinate the emergency response that is appropriate to the situation. If the radio network fails, then the CBFCO and the other officers have their only effective means of communication with one another removed. Coupled with this is that there is an unknown number (more than 100) of monitoring sets in households about the Shire, the use of those sets is also critical to keep the district informed in respect to the fire status of the district. The radio network, to state the obvious, is the prime and most important tool that CBFCO and the firefighters have in co-ordinating resources to control and contain wildfire and the eventual clean-up operations.

When DFES elected to adopt the WAERN (2011) they supplied the radios and antennae equipment and undertook to carry out any ongoing maintenance. The antennae and associated equipment for this network (channel 234) is located on the Police tower just south of the town, the Council does not have any responsibility for this site or equipment. Whilst the changeover was progressing DFES also undertook to maintain a repeater link to the now superseded mid-band network, the mid-band equipment is located on the Shire Councils tower. At the time of changeover (2011) it was anticipated that the link between the two networks would be removed as soon as the system was operable, Kojonup elected to keep the link as it was judged by the BFAC and the then CBFCO (Stretch) that the mid-band system (channel 41) gave better coverage across the Shire. As a consequence, Kojonup (shire) now

holds the licence for channel 41. The Council is responsible for all maintenance of the Tower, its equipment and the mid-band radios.

There is another repeater tower (WAERN 229) in the Chowerup area that services communications in the South-Western part of the Shire this tower is owned and operated by DFES. However, we still have blackspots of poor coverage in the South Eastern and North Western parts of the Shire. In the case of a major incident or potential fire incursion from a neighbouring Shire the WAERN system is critical for the incident controller to keep abreast of developments and deploy firefighters to the best advantage. The ability to communicate with neighbouring Shires is also critical in monitoring very bad fire conditions (Movement of vehicles ban) so that the risk of starting a fire is minimised.

The obvious weakness in the above situation in respect to the WAERN radios is that we (Bushfire network) do not have any input to the siting of the antennae. If the antennae were to be located much higher in the landscape (top of the tower) then it is likely we may have a much better coverage that does not need the link to the ageing mid-band network. The Police Tower operators (WA Government) quite naturally argue that their network takes precedence and place the channel 234 equipment in a position much lower on the tower. The maintaining of the link between the two networks is at the largesse of DFES and can be removed by them, it must be said that it is unlikely that this would happen without prior consultation, however the situation remains as a possibility. There is also the inherent problems with maintaining the link between systems as against one dedicated frequency.

The fact that the Shire Council creates the Bushfire Brigades and appoints the officers means that the Council also has the responsibility of giving those bodies and appointees the means to carry out their tasks, principally firefighting.

The Radios (transceivers)

As far as I am aware there is nothing inherently wrong with VHF or the (ch234) WAERN system. Like most radio networks (mobile phones included) it is the ability to broadcast and receive that is the problem so we always come back to the same place: the communication tower. One of the issues that may come to a head when dealing with the future of the Mid-band network is; as an organisation, what do we expect the long-term prospect of keeping the ageing radios will be? We have an unknown number of radios capable of accessing the network, at least double the number of the WAERN radios. The physical control, expectation of use and maintenance of the mid-band network should be addressed by the BFAC so that the Bushfire Brigade organisation and the Shire Council have a clear understanding of what needs to be planned for the future use of that mid-band network. Clearly, the use of the WAERN radios and our relationship with DEFS should be discussed from time to time to reinforce what is to our advantage and to eliminate any problems that may emerge.

The Communication Tower

The security of tenure and secure access to the Communications tower (Stacey Williams present landowner) has not been addressed to the satisfaction of all parties. As far as I am aware the Shire Council does not have any legal document like an easement, right-of-way or title to the land on which the tower stands the best we have is a memorandum-of-understanding (MOU). The MOU is seen as a preliminary agreement while a more precise legal document is prepared a MOU is not considered to be a long-term agreement. This can present a real difficulty if the ownership of the land changes and the incoming owners do not wish to have the Tower on their property or indeed denied access to the Tower. At the present moment, there is not a problem although access and the very existence of the tower is at the largesse of the present land owners.

When considering the positioning of an antennae it cannot be over emphasised that the ability of the antennae to function in all conditions is paramount. It is well known that very hot weather, smoke and dust particles will affect the signal quality and signal strength of any type of radio, all of these conditions exist at the time of wildfire. The inference here is that a system that is adequate on a good day may not be readable on a bad day and therefore completely useless on two counts; one, that the system does not provide the communication that is necessary; two, that the radio user has believed and based on their actions on a false premise, a very dangerous practice.

There are some basic requirements for the long-term use of any Communication Tower that the Shire Council may wish to operate, namely, but not exclusively they can be;

The communication tower should be so sited that the land the tower stands on is either owned or controlled by the Shire Council.

That unrestricted access to the tower must be available at all times. This is necessary for maintenance purposes and for defence of the Tower in a wild fire.

The Communications Tower must be a stand-alone system. This may mean a combination of battery/solar/backup generator. It is an advantage in general usage to be connected to the power grid, however in a wildfire it is usual for the power grid to become inoperative and cannot be relied upon. Therefore, a stand-alone system is considered an imperative.

The tower must be capable of carrying different types of antennae that may be required to operate simultaneously: e.g., The Bushfire Network, Shire Network and possibly Telstra or other users.

Solutions

The provision (or not) for a Communications Tower for the use of the Bushfire network (or the Shire Council) is not up for discussion, that debate has been had and repeated advice to Council from the Bushfire Advisory Committee over a long period is that a Communications Tower is an essential tool in firefighting. That being said, the question for the Council is how to secure the best communication system to be placed at the disposal of the Bushfire network who are charged with keeping the district safe from wildfire.

We have at present about \$120k in the budget for use in maintaining/upgrading the Tower. If we were to move the Tower to another site we may well be looking at a much higher figure that would need to be allocated in the 2017/18 budget, not insurmountable, but we need to be aware of the implications on the whole budget. The situation is not helped by the uncertainty of the State Governments attitude to the future of DFES or the creation of a new Bushfire body. It is also uncertain if the State Government is contemplating changing the criteria for the use of the ESL. However, we do not have the luxury of waiting for something to happen.

I would recommend to the BFAC and the Council that we look for a site that meets the above dot points and the basic criteria. The type of radio, the frequency bands allocated and any alternative means of communications should all be examined. The expectation is; “that as effective a communication system as can be afforded will be in place for the 2017/18 fire season”.

The spate of Bushfires in our State in the past five years, apart from the devastation to individuals, has been an enormous dollar cost to the community, in the tens of millions. I will

argue very strongly that the dollar cost of providing good communications to the firefighters to control fire is a far cheaper outcome than the cost of wildfire.”

The Bushfire Advisory Committee at its meeting held 13 February 2017 passed the following recommendation No.3/17:

“Moved Ned Radford, seconded Geoff Gale that the Bushfire Advisory Committee recommends that the Shire of Kojonup establishes a Technical Work Group consisting of the Presiding Member – Bushfire Advisory Committee, Chief Bushfire Control Officer, Manager Corporate Services, Building Maintenance Coordinator, Digby Stretch and Cr Ned Radford to prepare and present a formal report addressing the following terms of reference:

- 1. Assess the current and future communications requirements for fire coverage of the Shire.*
- 2. The communication tower should be so sited that the land the tower stands on is either owned or controlled by the Shire Council.*
- 3. That unrestricted access to the tower must be available at all times. This is necessary for maintenance purposes and for defence of the Tower in a wild fire.*
- 4. The Communications Tower must be a stand-alone system. This may mean a combination of battery/solar/backup generator. It is an advantage in general usage to be connected to the power grid, however in a wildfire it is usual for the power grid to become inoperative and cannot be relied upon. Therefore, a stand-alone system is considered an imperative.*
- 5. The tower must be capable of carrying different types of antennae that may be required to operate simultaneously: e.g., The Bushfire Network, Shire Network and possibly Telstra or other users.*
- 6. The type of radio, the frequency bands allocated and any alternative means of communications should all be examined. The expectation is; “that as effective a communication system as can be afforded will be in place for the 2017/2018 fire season”.*

Council endorsed the Advisory Committee recommendation at its meeting held 21 February 2017 (Decision 16/17). The Technical Work Group met 8 March 2017 and is in the process of addressing the adopted terms of reference.

COMMENT

Stacy & Melissa Williams own the property on which the Communications Tower is located however no formal agreement or Memorandum of Understanding has been made recognizing the relationship between the respective parties. Recent discussions between the Shire CEO and Mr & Mrs Williams has resulted in the following terms being reached and agreed upon which requires Councils endorsement.

1. Annual Site rental of \$2500 inclusive of GST back dated to 1 July 2013
2. Annual grading of gravel access road to the tower from Samson Road approx. 600 – 700 metres with gravel sheeting, as agreed between Mr & Mrs Williams and the Manager Works & Services to be addressed prior to winter 2017
3. Minimum 24 hour prior notice of person(s) entering the property for purposes of maintaining existing equipment and infrastructure
4. Speed restriction of 20km or less, particularly around buildings, homestead and machinery

5. Upon decommissioning of the existing tower, Council at its own cost will demolish tower and remove any building and fences.

CONSULTATION

Stacy & Melissa Williams
Manager Works & Services

STATUTORY REQUIREMENTS

Local Government Act 1995

Local Government Act (Functions and General) Regulations 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

\$10,000 Budget amendment required from the Bushfire Communications Reserve to reflect Condition 1 above plus Roads Program to cater for Condition 2.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023

Outcomes:

Natural & Built Environment

- N2 – Living in a safe community

Governance

- G1 - Being Well Governed

Corporate Business Plan 2013 – 2017

Objectives:

- N2.1 – To Improve Road Safety

- G1.2 – Maintain a structured forward planning process in accordance with legislation and community aspirations

RISK MANAGEMENT IMPLICATIONS

Retaining good relations with the property owner is essential in order to gain access to the Communications Tower until an alternative site and tower is secured.

ASSET MANAGEMENT PLAN IMPLICATIONS

The Communications Tower is a vital piece of infrastructure to Kojonup as stated in Cr Sexton's discussion paper and access to the tower is essential.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Radio communication with our neighbours particularly during the fire season is vital!

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council endorse the following terms and conditions with Stacy & Melissa Williams in relation to the Communications Tower Memorandum of Understanding:

1. Annual Site rental of \$2,500 inclusive of GST back dated to 1 July 2013 to be funded from the Bushfire Communications Reserve;
2. Annual grading of gravel access road to the tower from Samson Road approx. 600 – 700 metres with gravel sheeting, as agreed between Mr & Mrs Williams and the Manager Works & Services to be addressed prior to winter 2017;
3. Minimum 24 hour prior notice of person(s) entering the property for purposes of maintaining existing equipment and infrastructure;
4. Speed restriction of 20km or less, particularly around buildings, homestead and machinery; and
5. Upon decommissioning of the existing tower, Council at its own cost will demolish tower and remove any building and fences.

COUNCIL DECISION

35/17 Moved Cr Sexton, seconded Cr Radford that Council endorse the following terms and conditions with Stacy & Melissa Williams in relation to the Communications Tower Memorandum of Understanding:

- 1. Annual Site rental of \$2,500 inclusive of GST back dated to 1 July 2013 to be funded from the Bushfire Communications Reserve;**
- 2. Annual grading of gravel access road to the tower from Samson Road approx. 600 – 700 metres, as agreed between Mr & Mrs Williams and the Manager Works & Services to be addressed prior to winter 2017;**
- 3. Minimum 24 hour prior notice of person(s) entering the property for purposes of maintaining existing equipment and infrastructure;**
- 4. Speed restriction of 20km or less, particularly around buildings, homestead and machinery; and**
- 5. Upon decommissioning of the existing tower, Council at its own cost will demolish tower and remove any building and fences.**

CARRIED**8/0**

REASON FOR CHANGE: Council felt the terminology with reference to gravel sheeting was not definitive.

12.3 APPLICATION FOR DEVELOPMENT APPROVAL TO DEMOLISH MACHINERY SHED AT LOTS 354/356 YARRANUP ROAD, LUMEAH AND NEW DELEGATION

AUTHOR: Phil Shephard – Town Planner
 DATE: Wednesday, 12 April 2017
 FILE NO: A24359
 ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider an application for development approval to demolish a collapsed machinery shed that contains asbestos material.

Council approval is required as there is no delegation available to staff to consider the application and it must be referred to the Council for a decision.

The recommendation is to grant development approval subject to conditions and introduce a new delegation.

BACKGROUND

Nil.

COMMENT

Demolition of Machinery Shed Proposal

The proposal involves demolition of a collapsed 20m x 8m machinery shed on the above farm. The building contains asbestos and the application has been lodged by a Licensed Demolition Contractor.

The machinery shed does not have any noted cultural heritage values to the community.

TPS3 Considerations

The *Planning and Development (Local Planning Schemes) Regulations 2015* (c.67) requires the Council in considering an application for development approval have regard to those matters relevant to the application from the list. Those relevant matters are discussed in the table below:

<i>Matter to be Considered</i>	<i>Response</i>
<i>(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</i>	<i>The proposal to demolish the collapsed shed is considered consistent with the aims and the provisions of TPS3.</i>
<i>(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;</i>	<i>The proposal is considered consistent with the orderly and proper planning of the locality.</i>

<i>Matter to be Considered</i>	<i>Response</i>
(n) <i>the amenity of the locality including the following:</i> (i) <i>environmental impacts of the development;</i> (ii) <i>the character of the locality;</i> (iii) <i>social impacts of the development;</i>	<i>The machinery shed is not noted as having any cultural heritage value to the community.</i>
(r) <i>the suitability of the land for the development taking into account the possible risk to human health or safety;</i>	<i>The demolition of the collapsed machinery shed will improve human health and safety on the property.</i>
(w) <i>the history of the site where the development is to be located;</i>	<i>The property has a long history as a farm in Kojonup.</i>

Delegated Power

There is currently no delegated authority to deal with these types of application available to staff and this requires an item to be prepared for Council consideration in each case.

An alternative to preparing reports for Council to consider would be to introduce a new clause into the existing delegation Plan 001 Development Applications to state:

Delegated Power	Conditions
k) To approve demolition of collapsed, damaged and/or destroyed farm buildings including machinery/storage sheds, shearing sheds, worker's quarters, dwellings, silos etc. on rural properties.	Where the property and/or building has no cultural heritage values.

The delegation would improve administrative efficiency and enable a quicker turnaround for applications to be determined.

The Council has a number of options available to it, which are discussed below:

- 1 *Not Approve the Proposal*
The Council can choose to refuse to approve the proposal and advise the proponent giving reasons. If this option was chosen, the shed would not be able to be demolished and no new delegation would be introduced.
- 2 *Approve the Proposal*
The Council can choose to approve the proposal, with or without conditions. This would enable the shed to be demolished and introduce a new delegation.
- 3 *Defer the Proposal*
The Council can choose to defer the matter for a period and seek additional information from the proponents, if deemed necessary to complete the assessment, before proceeding to decide.

This is a discretionary decision and the applicant has a right to request a review of any decision and/or condition made by the Local Government to the State Administrative Tribunal if aggrieved by the decision and/or any condition.

CONSULTATION

N/A

STATUTORY REQUIREMENTS

Planning and Development Act 2005 and *Planning and Development (Local Planning Schemes) Regulations 2015* - The processing of a development application is required to comply with the requirements of Town Planning Scheme No. 3 which is an operative local planning scheme under the Act/Regulations.

Local Government Act 1995 – s5.42 of the Act allows the Council to delegate some functions to the CEO.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The applicant is required to pay the development application fee of \$147 as set out in the adopted 2016/17 List of Fees and Charges.

STRATEGIC/CORPORATE IMPLICATIONS

The item is not covered in the Community Strategic Plan 2013 – 2023 or Corporate Business Plan 2013 – 2017.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) STRATEGIC PLAN IMPLICATIONS

The item is not covered in the Southern Link VROC Strategic Directions 2015 – 2020 plan.

RISK MANAGEMENT IMPLICATIONS

The item covers several risk areas to Council including strategy and planning, compliance and reputation functions. The organisational risk and proposed treatment or mitigation is summarised in the following table from the Shire's Risk Management Plan:

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
Council does not approve the demolition	Unlikely	Minor	Low	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring.

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION/OFFICER RECOMMENDATION

36/17 Moved Cr Sexton, seconded Cr Radford that Council grant development approval for the demolition of the collapsed machinery shed on Lots 354/356 Yarranup Road, Lumeah subject to the following conditions:

- 1) The materials to be removed from the site and disposed of and the site to be cleaned up by a Licensed Demolition Contractor to the satisfaction of the Shire’s Environmental Health Officer.**

CARRIED 8/0

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION/OFFICER RECOMMENDATION

37/17 Moved Cr Sexton, seconded Cr Mathwin that Council introduce a new delegation into Plan 001 – Development Applications as follows:

Delegated Power	Conditions
k) To approve demolition of collapsed, damaged and/or destroyed farm buildings including machinery/storage sheds, shearing sheds, worker’s quarters, dwellings, silos etc. on rural properties.	Where the property and/or building has no cultural heritage values.

CARRIED BY ABSOLUTE MAJORITY

8/0

13 EXECUTIVE & GOVERNANCE REPORTS

13.1 BLACK COCKATOO CAFÉ LEASE

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Monday, 10 April 2017
FILE NO: CP.REG.1
ATTACHMENTS: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

To seek Council support to call expression of interests for the lease of the café for an initial term of three years with a further 3 + 3 year option.

BACKGROUND

Council at the Briefing Session held 4 April 2017 were provided details of wages, cost of goods sold and sales history for the café which has been updated since the Briefing Session held 7 February 2017 and Audit Committee meeting held 21 February 2017. It was agreed that the CEO submit an item to the 18 April 2017 Council Meeting seeking approval to call expression of interests for the lease of the café for an initial term of three years with a further 3 + 3 year option.

Discussion at the 4 April 2017 Briefing Session also addressed:

1. Draft Lease taking into account KP Precinct Master Plan recommendations and synergies with existing and proposed Kodja Place activities and functions.
2. Effect on Brand, business continuity and reputational risk if café reverts to a cake & sandwich bar.
3. Strategies to address the ‘gap’ between sales, wages and cost of goods sold including but not limited to:
 - Improved Café/Kodja Place signage
 - Menu options and pricing structure to address the cost of goods sold and back of house operations
 - Food buzzers
 - Operating hours
 - Catering for Bus Tours, groups and events once Marketing Strategy implemented
4. Arrange the removal and replacement of the damaged rammed earth walls. Gravel material removed is to be stock piled at the Works Depot for future maintenance works at Kodja Place (if required) and
5. Disabled Access delays and OHS compliance.

COMMENT

Council assumed responsibility for the Café in June 2016 and in short, a number of deficiencies were discovered, for example:

- Kodja Place Precinct was ultimately built to a price without a cafe despite the overall concept being forward thinking and unique,
- Café plant and equipment was either aged or not fit for use in a commercial setting,
- Power outages and surges played havoc with freezers and fridge’s necessitating product to be thrown out until the electricals were upgraded,
- Staff were not appropriately trained and therefore fearful of retaining their positions,

- Stock purchasing, menu size, selection and pricing was aligned to past practices without any in depth analysis of customer needs, customer service, café layout or restrictions imposed by inadequate cooking space, or the non-existence of a cool room,
- The Black Cockatoo Café was built by the KP Community Fund Inc. in order to derive some form of income stream however up until December 2016, Council was continually addressing “Fit for Purpose” issues,
- Safety Standards and Workplace requirements did not keep pace with Legislative or Regulatory requirements,
- ICT Plans, computers, records management, financial processing, operational policies, procedures and systems were either ad hoc, antiquated or non-existent as the original café lease involved three parties, i.e.: Council, the Kodja Place Community Fund Inc. and private operator,
- A wide section of the community opposed and still continue to oppose the facility despite it being a tourism, cultural and heritage “gem” for interstate and international visitors.

Despite these obstacles, Council and the Kodja Place Advisory Committee (KPAC) with the support of the Kodja Place Community Fund Inc., have been pro-active in restructuring the management model, assessing the “true” costs of maintaining and operating the precinct, engaging the Gibson Group to prepare a concept development plan based on use and cost to maintain now and in the future and ensuring the facility is compliant legally with health, building, safety, disabled access, traffic management, fire etc. as more of the same is not justifiable given other competing priorities listed in the Community Strategic Plan.

Compliance comes at a cost but the costs of non-compliance are much higher as are the consequences if ignored! The Manager Community Development and Tourism and team are making substantial progress which was clearly demonstrated at the Sunset Soprano in the Maze event on 8 April 2017.

Over 100 people enjoyed the superb singing of Samantha Clarke from 4:30pm – 6:00pm with 52 patrons then staying for a 3 course meal at the Café. The café traded as normal from 8:00am – 3:00pm, was repurposed into a restaurant atmosphere for Opera guests by 6:00pm and by 10:00pm was ready to resume Sunday morning trade.

Operational matters addressing the gap between sales, cost of goods sold and wages such as staffing levels, stock purchasing controls, “fit for purpose” plant & equipment, floor layout for barista station and improved kitchen functionality, wastage, training, menu options, pricing, operating hours, food buzzers and food safety, Occupational Health and Safety compliance have and are continuing by management. Despite the best of intentions a simple malfunction to a seal in the Coffee Machine last month saw trade diminish until repairs were undertaken despite equipment being serviced as per the manufacturer’s specifications.

Council in February 2017 made it quite clear that the Cafes underlying financial position should be less than \$78,000 by 30 June 2017. Management and staff will continue to monitor progress on a weekly basis to ensure the gap between sales and cost of goods sold/wages is reduced wherever possible especially as Easter is our busiest period! Calling expressions of interest for the café lease will allow council to ascertain who else in the café/hospitality industry sees the enormous potential the Black Cockatoo Café offers!

CONSULTATION

Council Briefing Sessions – 7 February 2017 & 4 April 2017

Audit Committee Meeting – 21 February 2017

STATUTORY REQUIREMENTS

Associations Incorporation Act 1987

Local Government Act 1995

Occupational Safety and Health Act 1984

Building Code of Australia

Building Regulations 2012

Food Act 2008

POLICY IMPLICATIONS

The objectives of The Kodja Place precinct, as defined by The Kodja Place Master Plan (p.5), are:

1. To be sustainable – financially, socially and culturally
2. To be a place of community pride and engagement
3. To nurture our future storytellers and makers

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

Operations at the Black Cockatoo Café clearly indicate that sales are directly linked to Albany Highway traffic volumes if no other events are held! It is now time to translate the hard work bringing the Café to a more “fit for purpose” position by testing the open market in relation to a Lease Agreement.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023

Outcomes:

- E1 – Supporting Main Street
- E2 – Building Prosperity
- N1 – Natural & Built Environment
- S2 – Staying Active & Entertained

Corporate Business Plan 2013 – 2017

Objectives:

- N1.3 – Creating sustainable and inviting public spaces

Actions:

- E1.1.1 – Undertake a study to identify the opportunities to enhance the main street, taking into consideration current and future uses
- E2.1.3 – Identify opportunities to source funding and resources for local projects
- E2.1.4 – Support local tourism initiatives and the KTA
- S2.1.4 – Preserve and promote our history and culture

RISK MANAGEMENT IMPLICATIONS

Progressing Governance and Compliance requirements to ensure activities/events/displays/functions/marketing and promotion meet regulatory, policy and reporting requirements which are reflected in the Café Lease Agreement.

Closing the café is a major reputational risk as Kodja Place is a draw card for visitors and the travelling public. Realistically other than using the public toilets would people choose to stop at Williams if Kodja Place did not exist? Kojonup could be at risk of becoming a sleepy little town on the Albany Highway with no point of difference. Kodja Place and the Black Cockatoo Cafe offers this point of difference! Comments could be made similar to Glenlossie – such a lovely building, ideally located but predominantly closed for business – what a shame!

Council is not in the business of running a café/restaurant or takeaway shop but it is in the business of making Kojonup a vibrant and attractive place where community members and visitors alike have the opportunity to enjoy a world class cultural/heritage facility in beautiful surroundings.

ASSET MANAGEMENT IMPLICATIONS

Whole of Life considerations, Integrated planning, Structural Integrity, “Fit for Purpose”, Insurance and Public Liability considerations, Business continuity and rates impact aligned with Master Plan and Business Plan.

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.*

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION/OFFICER RECOMMENDATION

38/17 Moved Cr Mathwin, seconded Cr Warland that Council:

- 1. Call for expressions of interest for the lease of the Black Cockatoo Café for an initial term of three (3) years with further options of three (3) + three (3) years effective 1 July 2017 or no later than 31 July 2017, and**
- 2. Instruct Management to continue to implement strategies that closes the ‘gap’ between sales, wages and cost of goods sold including but not limited to:**
 - Improved Café/Kodja Place signage;**
 - Menu options and pricing structure to address the cost of goods sold and back of house operations;**
 - Food buzzers;**
 - Operating hours; and**
 - Catering for bus tours, groups and events.**

CARRIED 8/0

13.2 BUSINESS CONTINUITY & DISASTER RECOVERY PLAN – REVIEW

AUTHOR: Anthony Middleton – Manager Corporate Services
DATE: Tuesday, 11 April 2017
FILE NO: CM.TND.1
ATTACHMENT: [13.2.1 Business Continuity & Disaster Recovery Plan – Proposed with Tracked Changes](#)
[13.2.2 Business Continuity & Disaster Plan – Proposed](#)

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this report is to review the Business Continuity & Disaster Recovery (BC&DR) Plan.

BACKGROUND

The BC&DR Plan was last reviewed by the Council at its meeting held 16 February 2016, where it resolved:

“...that Council adopt the updated Business Continuity and Disaster Recovery Plan in accordance with the recommendation of the Audit Committee.”

COMMENT

The BC&DR Plan is a subset of the organisations risk management plan and process. It is the ‘go to’ document in the event of a significant event that will cause disruption to normal operational capability, for example, fire or flood in a workplace. As such, all staff have been consulted in this review and are committed to continuously improve the plan and the organisations readiness in accordance with the plan.

A review of the BC&DR Plan has been undertaken. Typically only minor changes to better reflect the organisation have been made, along with some updates to reflect our improved position along the risk management journey. A copy of the Risk Management Plan showing the changes made is attached, along with a ‘clean’ copy which is recommended for adoption.

CONSULTATION

Records Officer(s), Executive Assistant, Manager Aged Care Services, Springhaven Administration Officer, Ranger/Building Maintenance Coordinator and Customer Service Officer.

STATUTORY REQUIREMENTS

Whilst a risk management plan and/or BC&DR plan is not required specifically under legislation, regulation 17 of the *Local Government (Audit) Regulations 1996* requires:

- (1) *The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to*
 - a. **Risk management;** and
 - b. *Internal control;* and
 - c. *Legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in sub-regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
- (3) *The CEO is to report to the audit committee the results of that review.*

As such it is completed as a measure of good governance.

POLICY IMPLICATIONS

Council Policy 2.3.5 – ‘Risk Management’ is central to the BC&DR plan and procedures.

FINANCIAL IMPLICATIONS

The risk management pathway for business continuity requires significant staff resources and occasionally the purchase of minor equipment or building fit out. It is, however, a major tool in the protection of major financial assets and information and is essential to the daily operation of the Shire should disaster strike.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023

Outcomes:

- G1 – Being Well Governed

Corporate Business Plan 2013 – 2017

Objectives:

- G1.4.1 – Implement organisation wide risk management.

RISK MANAGEMENT IMPLICATIONS

This plan underpins risk management aspects pertaining to the Shire’s operations and ability to conduct business in the event of a disaster.

ASSET MANAGEMENT PLAN IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION/OFFICER RECOMMENDATION

39/17 Moved Cr Sexton, seconded Cr Hobbs that the revised Business Continuity and Disaster Recovery Plan dated April 2017, as attached, be adopted.

CARRIED 8/0

13.3 POLICY 2.3.9 – DRAFT – CLOSED CIRCUIT TELEVISION (CCTV) OPERATIONS AND RECORDING POLICY

AUTHOR: Dominique Magini – Records Officer

DATE: Thursday, 6 April 2017

FILE NO: CM.POL.2

ATTACHMENT: 13.3 Proposed Closed Circuit Television (CCTV) Operations and Recording Policy 2.3.9

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider a draft policy to enable the Council to set direction on the use, operations and recording of Closed Circuit Television (CCTV).

BACKGROUND

Nil.

COMMENT

The proposed policy is attached.

Currently CCTV is installed at the Kodja Place/Kojonup Visitors Centre/Black Cockatoo Cafe, Works Depot and Administration Office. At present staff have no guidance on the operation, management and reporting protocols and the attached policy gives this guidance.

CONSULTATION

City of Karratha

Shire of Coolgardie

ABA Security

Senior Management Team

Senior Ranger/Building Maintenance Coordinator

STATUTORY REQUIREMENTS

Western Australia Closed Circuit Television (CCTV) Guidelines

Western Australia Closed Circuit Television (CCTV) Technical Advice

Surveillance Devices Act 1998

Security and Related Activities (Control) Act 1996

Freedom of Information Act 1992

State Records Act 2000

State Records Office – General Disposal Authority for Local Government Records (DA2015-001)

Policies have no legal status but are guidelines for staff to act on various matters without the need for continual referral to the Council. They also ensure consistency across all areas of the organization. The Council may adopt, amend or waive policies under section 2.7(2)(b) of the *Local Government Act 1995*.

POLICY IMPLICATIONS

Council policies are made to facilitate:

- Consistency and equity in decision making;
- Promptness in responding to customer needs; and

- Operational efficiency.

FINANCIAL IMPLICATIONS

The recommendation does not in itself have a financial implication but the future installation of CCTV cameras will need to be purchased in line with annual budget figures.

There is an inherent but often hidden value in the installation of CCTV which is difficult to document and measure in real dollar terms, however the Shire of Kojonup shall continue to seek out measurable returns on investment as CCTV operations develop.

STRATEGIC/CORPORATE IMPLICATIONS

Strategic Community Plan 2013 – 2023

Outcomes:

- N1 – Feeling good about living in Kojonup
- N2 – Living in a safe community
- G1 – Being well governed

Corporate Business Plan 2013 – 2017

Objectives:

- N2.4 – Maintain Community Safety

RISK MANAGEMENT IMPLICATIONS

CCTV will help to reduce the following identified risks:

- Staff working alone – and after hours
- Armed holdup-front counter

It will also act as a deterrent for criminal or antisocial behaviour and a staff training tool.

ASSET MANAGEMENT PLAN IMPLICATIONS

The CCTV infrastructure should be recognised as a significant and contributing asset to the Shire of Kojonup.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the draft Council Policy 2.3.9 ‘Closed Circuit Television (CCTV) Operations and Recording’, as attached, be adopted

COUNCIL DECISION

40/17 Moved Cr Pritchard, seconded Cr Hobbs that the draft Council Policy 2.3.9 ‘Closed Circuit Television (CCTV) Operations and Recording’, as attached, be adopted subject to the following amendments:

- In the first two dot points under “CCTV OPERATIONS”, moving the word “reported” to before the word “to”;
- In the “CONFIDENTIALITY” section, changing the word “discussion” to “discussing”; and
- In the last paragraph of the policy, move the first instance of the word “not” to before the word “explicitly”.

CARRIED 8/0

UNCONFIRMED

Attachment 13.3**2.3.9 DRAFT - CLOSED CIRCUIT TELEVISION (CCTV) OPERATIONS AND RECORDING POLICY****Adopted or Reviewed by Council:**

Draft

Council Minute Reference:**Reviewer:** Records Officer**Local Law:****Procedure:****Delegation:*****Draft*****OBJECTIVE**

This policy applies to Closed Circuit Television (CCTV), Dash Cams, digital cameras, and any other device capable of recording video footage in the performance of Shire duties by employees, contractors and elected members.

This policy document provides guidance on operation, management and reporting protocols for Closed Circuit Television (CCTV) leased, owned or controlled by the Shire of Kojonup:

- Within, on or around Shire facilities;
- In public places within the Shire of Kojonup.

The policy also provides guidance to ensure a consistent approach in identifying suitable locations when considering future public place CCTV installation within the Shire of Kojonup.

POLICYPurpose

The Shire of Kojonup conducts CCTV operations in order to:

- Assist in deterring, detecting and responding to criminal offences against people or property;
- Record evidence to support investigations and prosecutions by Police in relation to offences; and
- Address community safety concerns of residents, workers, business proprietors, visitors and employees of the Shire of Kojonup.

CCTV OPERATIONS

The objectives established for CCTV Operations should be based on measurable criteria, which may include:

- Reducing reported crime and incidents to Police
- Reducing reported damage and graffiti to the Shire of Kojonup
- Improving perceptions of safety and reducing fear of crime.

Ownership

The CCTV Operation is owned by and is the sole property of the Shire of Kojonup.

Determining CCTV Camera Location

In determining CCTV camera location and placement in public places, the following factors (in consultation with key stakeholders) will be considered:

- Incidence of criminal activity

- Level of human activity
- Level of deterrent
- Logistical requirements
- The surveillance is legally permitted

The selection criteria for each camera placement and location should be documented and the effectiveness of the installation should be measurable and reviewed annually.

A replacement or upgrade program based on system value should be implemented as part of the Shire of Kojonup Information & Communications Technology Plan. Camera technology is continuously evolving and as a result, the Shire must be cognisant of the need to remain up-to-date with technology improvements and to factor into the annual budget, general maintenance, regular servicing, software upgrades and replacement hardware.

Access and Security of CCTV Equipment

All CCTV recording equipment will be located within secure areas and not accessible to unauthorised persons.

Storage and disposal of surveillance images

Storage and disposal of records from CCTV is to be in accordance with the General Disposal Authority for Local Government Records (DA2015-001) as follows:

No	Function/Activity	Description	Disposal Action	Custody
100.4	Surveillance - Investigations	Surveillance / CCTV footage REQUIRED for investigations and / or court proceedings. NB: If a tape forms part of a case file, it should be sentenced in accordance with the related case records.		
100.4.1		Footage presented by the local government (LG) to the authorities where the LG is not party to the investigation in any further capacity. In these situations, the LG is merely the provider of the footage and the incident does not involve LG staff or assets.	Destroy	Retain 7 years after provision of footage then destroy
100.4.2		Footage concerning incidents involving local government staff or assets, required for investigations.	Destroy	Retain 7 years after investigation finalised, then Destroy.
100.5	Surveillance - No Investigations	Surveillance / CCTV footage NOT REQUIRED for investigations.		

100.5.1		Surveillance / CCTV footage taken from fixed cameras around public open spaces and public access areas.	Destroy	Destroy or re-use tape 30 days after footage taken
100.5.2		Surveillance / CCTV footage taken by mobile cameras or car-based cameras.	Destroy	Destroy or re-use tape 7 days after footage taken
100.5.3		Surveillance / CCTV footage taken from fixed cameras around local government buildings and assets with staff in attendance on a regular basis.	Destroy	Destroy or re-use tape 7 days after footage taken

All hardware purchased for CCTV use must have adequate capacity available to meet the minimum retention period above.

Requests for Stored Information

- Access to designated surveillance areas and data will be restricted to Authorised Personnel or with written authorisation from the CEO.
- Any person requesting a copy of any CCTV data records is to apply in writing to the Chief Executive Officer, outlining reasons for such requests. This includes the Senior Management Team, insurance companies and WA Police.
- At no time will any original or copied video recordings, or still photographs, be released to any media organisation, journalist, individual or group without prior approval of the Chief Executive Officer. If access is denied, applicants are able to utilise the Freedom of Information application process.
- Recorded material released shall be verified for accuracy, relevance and must not exceed that necessary to fulfil the purposes of the written request.
- Access is allowed by the Senior Management Team to live CCTV images which may be required to view public areas for reviewing, monitoring or verifying maintenance services and public works.
- All reasonable attempts will be made to serve the interests of anyone affected by public space surveillance with a focus on community safety and crime prevention, and not be confined to the interests of the Shire of Kojonup or operational needs of the WA Police.

The recording of Audio

There is no foreseen use of audio recording within the CCTV system. However, before audio recording is introduced, a policy for its proper use must be defined.

Complaints Handling

Any complaints regarding CCTV operations are to be directed in writing to the Chief Executive Officer.

Audit & Review

CCTV operations will be monitored and evaluated to verify compliance.

Privacy Principles

CCTV will be operated within *Surveillance Devices Act 1998*, and only for the purposes defined in this policy.

ROLES AND RESPONSIBILITIES

Council Authorised Officers

Chief Executive Officer

Records Officer

The Senior Management Team will be able to view live footage of their department on their smart phone or tablet as follows:

- Manager of Works & Services – Works Depot, Blackwood Road, Kojonup
- Manager of Corporate Services – Administration Office & Library, 93-95 Albany Highway, Kojonup
- Manager of Regulatory Services – Administration Office & Library, 93-95 Albany Highway, Kojonup
- Manager of Community Development & Tourism – Kodja Place / Kojonup Visitors Centre / Black Cockatoo Cafe, Albany Highway, Kojonup
- Manager of Aged Care Services – Springhaven Lodge, Barracks Place, Kojonup
- Chief Executive Officer – All departments of the Shire

The Chief Executive Officer is responsible for the application of delegations in regards to the policy.

The Senior Ranger / Building Maintenance Coordinator is responsible for addressing any technical aspects for CCTV equipment owned, operated or leased by the Shire of Kojonup, including equipment maintenance and upgrades and signage.

The Records Officer is responsible for reviewing and monitoring operations of the policy and administering the day to day operations of the CCTV network in accordance with this policy.

ETHICAL USE OF CCTV SYSTEMS AND RECORDED MATERIAL

This policy represents the formal policy and expected standards of the Council. Approval of the Council is required prior to any deviation from this policy. Elected Members and Employees are reminded of their obligations under the Council's Code of Conduct to give full effect to the lawful policies, decisions and practices of the Council.

1. The CCTV System will be operated within applicable law, and for the ethical and beneficial purposes for which it is established or which are subsequently agreed in accordance with these approved policy statements.
2. The CCTV System will be operated with due regard to the privacy and civil liberties of individual members of the public, including the rights to freedom of religious and political expression and assembly.
3. The public interest in CCTV Operations will be recognised by ensuring the security and integrity of recorded material.

The Shire of Kojonup has the highest expectation of all Authorised Personnel to:

- At all times, act in an honest and legal manner to carry out duties which reflects community values.

- Treat all live and recorded images in an ethical manner and with the utmost of care, respect and dignity.
- Interact with WA Police and stakeholders in a timely, courteous and cooperative manner.
- Ensure toilets, showers and change rooms and other similar areas shall not be subject to CCTV surveillance.

CONFIDENTIALITY

The Shire of Kojonup expects Authorised Personnel to ensure confidentiality of information gathered by or from CCTV Operations by not disclosing or discussion any events with unauthorised Personnel or associates who have no direct responsibility relating to CCTV operations.

In addition, Authorised Personnel will explicitly not identify any involved person or party with family, friends, or acquaintances and will not disclose any information to third parties, including the media without prior written approval from the Chief Executive Officer.

UNCONFIRMED

13.4 ASSET MANAGEMENT – BUILDING ASSESSMENT FRAMEWORK

AUTHOR: Anthony Middleton – Manager Corporate Services
DATE: Wednesday, 12 April 2017
FILE NO: CM.ASM.2
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this report is to consider adopting a building assessment framework to enable the asset management planning process to progress.

BACKGROUND

Following specific Council resolutions at the July 2016 meeting, the Shire has engaged Core Business Australia (CBA) is currently undertaking a project for the Shire of Kojonup to:

- a) Complete a study of Councils current building assets to determine which assets need enhancement, replacement or rationalisation; and
- b) Prepare a well-defined Summary Asset Management Plan which incorporates forward planning within the Shire of Kojonup for delivery by end of May 2017;

One of the main outputs of this process is the preparation of a Buildings Assessment Framework and assessment of all council buildings. The Shire currently has ultimate responsibility for over 90 buildings.

As part of this project CBA has currently:

- Delivered a hands-on workshop in Kojonup with Councillors and staff in order to ensure corporate-wide understanding of the process, the inputs to both documents and the outputs that will be included;
- Delivered three one day working session with staff to progress the project.

During the workshop with Councillor's and staff, the building assessment framework was discussed and an initial draft presented. Councillors and staff provided feedback, particularly relating to assessment criteria.

COMMENT

The buildings assessment framework has been prepared taking into account relevant information and direction contained within the International Infrastructure Management Manual (IIMM). Section five (5) of the IIMM discusses 'Optimised Decision Making' and states that:

"In making any decision we have to weigh up the pros and cons and make trade-offs.... Optimised Decision Making provides a process to ensure you make the best, or optimal decisions given those trade-offs and financial considerations."

The IIMM also recommends the use of a multi-criteria analysis as part of optimised decision making. It describes that multi-criteria analysis takes into account a range of criterion which are both qualitative and quantitative in nature and which reflect the cultural, social, economic or environmental characteristics of the project.

The buildings assessment framework is a process of qualitative assessment of all Shire building assets against an agreed set of criteria to identify which assets should remain on the Shires inventory and which assets should be considered for replacement, rationalisation and/or disposal.

Assessment Process

The process involves:

- Collation of relevant information on all council buildings assets;
- Qualitative assessment of each building against a set of pre-determined criteria by an assessment panel; and
- Compilation of the results.

The assessment panel will comprise of the following personnel:

- Manager of Corporate Services;
- Manager Works and Services;
- Ranger/ Buildings Maintenance Coordinator;
- Senior Finance Officer;
- Manager Community Development & Tourism; and
- Community Development Officer.

Following assessment under an adopted building assessment framework, a list will be provided to the Council of all buildings scoring lower than a predetermined threshold. These buildings will then be the subject of a separate review process. During this process staff will undertake a detailed assessment and make recommendations to either renew / repurpose, replace, rationalise (dispose) or other relevant option for each building.

Assessment Criteria

The following assessment criteria and assessment considerations have been developed by elected members and the assessment panel and are recommended for adoption:

SCORE

5	Meets or exceeds the requirement in all respects
4	Meets the requirement but may be marginal in minor aspects
3	Meets the requirement except for minor aspects
2	Does not meet the requirement, but may be adaptable or made acceptable
1	Does not meet the requirement to a major degree
0	Does not meet the requirement at all

Criteria	Assessment Considerations	Notes
Degree to which provision of the building meets Community Strategic Plan (CSP) commitments (Weighting 30%)	5 = Addresses all commitments to some degree (may be indirectly) or four or more to a significant degree 4 = Addresses six or seven commitment's to some degree (may be indirectly) and/or three to a significant degree 3 = Addresses four or five commitment's to some degree (may be indirectly) and/ or two to a significant degree 2 = Addresses two or three commitment's to some degree (may be indirectly) and/or one to a significant degree 1 = Addresses a single commitment to some degree 0 = Does not address any CSP objectives	N/A
Level of efficiency with regards to operational and maintenance costs (Weighting 20%)	Comparative assessment considering whole of life cost on a like for like basis for the type of building/ construction. 5 = Highly efficient and low whole of life cost 4 = Moderately efficient and moderately low whole of life cost 3 = Average efficiency and average whole of life cost 2 = Moderately inefficient and/or moderately high whole of life cost 1 = Highly inefficient and/or very high whole of life cost	N/A
Fit for Purpose/ Adaptability for new purpose/ Risk and BCA Compliance (score to the highest possible use) (Weighting 35%)	Comparative assessment taking into account: <ul style="list-style-type: none"> • Degree building meets requirements for current use • Adaptability for new use/ potential for dual/ multi-use • Frequency of use • Level of risk associated with continued use • BCA compliance 5= Meets standards, excellent fit for purpose or adaptability for new purpose 1= Major compliance issues, poor fit for purpose or poor adaptability for new purpose	N/A
Historical and cultural value (Weighting 15%)	Elements of significance to be considered include: <ul style="list-style-type: none"> • Aesthetic significance • Architectural significance • Historical significance • Scientific significance • Social significance • Other significance • Significance to past, present and future generations • Period of significance 	N/A

	<p>5 = Listed on State Heritage Register and/ or Nationally significant and/or profoundly culturally and historically significant for the majority of the Kojonup population</p> <p>4 = On State Heritage list and/or strongly culturally and historically significant for the majority of the Kojonup population</p> <p>3 = Strongly culturally and historically significant for a small proportion and/or moderately significant for a large proportion of the Kojonup community</p> <p>2 = Culturally and historically significant for a moderate proportion of the Kojonup community</p> <p>1 = Culturally and historically significant for a small proportion of the Kojonup community</p> <p>0= Not culturally and historically significant</p>	
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(Appropriateness of location for purpose, potential for dual/multi-use and level and frequency of use.)

Buildings Assessment Threshold

In the event any building scores a total weighted score of **30 or less** out of 100 in the assessment, then officers will subsequently prepare a detailed assessment of the building and present the results to the Council. The assessment will include at a minimum:

- Background information about the building;
- Valuation and asset management condition scoring information;
- A detailed option and impact assessment of the pros and cons of renewal/repurposing, replacement, rationalisation and/or other relevant options; and
- Recommendations.

CONSULTATION

Council Briefing Session 21 March 2017.

Senior Management Team, Ranger/Building Maintenance Coordinator, Senior Finance Officer and Community Development Officer.

STATUTORY REQUIREMENTS

As part of the integrated planning and reporting process for local governments in WA, *Local Government (Administration) Regulations 1996* requires:

- 19DA. Corporate business plans, requirements for*
- (3) A corporate business plan for a district is to —*
- (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*

Asset Management is also completed as an essential measure of good governance.

POLICY IMPLICATIONS

It is recommended that the building assessment framework be added to Council Policy 2.3.4 – Asset Management. By adding to the policy, this will ensure that the building assessment framework is regularly reviewed and amended as necessary within a changing environment.

FINANCIAL IMPLICATIONS

The outcome of the entire building assessment framework process is an essential tool in managing the Shire's assets within the financial resources available. This cannot be understated for the long term financial management of the Shire.

This agenda item itself does not have a financial impact, apart from staff costs to implement the building assessment framework process.

STRATEGIC/CORPORATE IMPLICATIONSCommunity Strategic Plan 2013 – 2023

Outcomes:

- G1 – Being Well Governed

Corporate Business Plan 2013 – 2017

Actions:

- G1.2.1 – Undertake an asset management planning process to review and rationalise Shire buildings to maximise their use and value to the community.
- G1.2.3 – Incorporate strategic, operational, and asset management plans into a long term financial plan.
- G1.2.5 – Maintain an effective asset management policy that defines co-location and rationalisation.

RISK MANAGEMENT IMPLICATIONS

The building assessment framework and sound asset management practices is a primary tool to minimise risks across all areas of the Shire. Public access to facilities, buildings or infrastructure that is not maintained, is beyond the intervention levels for asset management and does not meet basic legal compliance represents an unacceptable risk to the organisation. This process is a very important step to address such issues.

ASSET MANAGEMENT PLAN IMPLICATIONS

This item recommends changes to the Council's asset management policy and establishes a building assessment framework which is critical to the asset management process.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION/OFFICER RECOMMENDATION

41/17 Moved Cr Sexton, seconded Cr Warland that the following building assessment framework be adopted and incorporated in Council Policy 2.3.4 ‘Asset Management’:

<i>Criteria</i>	<i>Assessment Considerations</i>	<i>Notes</i>
<i>Degree to which provision of the building meets Community Strategic Plan commitments (Weighting 30%)</i>	<p><i>5 = Addresses all commitments to some degree (may be indirectly) or four or more to a significant degree</i></p> <p><i>4 = Addresses six or seven commitment's to some degree (may be indirectly) and/or three to a significant degree</i></p> <p><i>3 = Addresses four or five commitment's to some degree (may be indirectly) and/ or two to a significant degree</i></p> <p><i>2 = Addresses two or three commitment's to some degree (may be indirectly) and/or one to a significant degree</i></p> <p><i>1 = Addresses a single commitment to some degree</i></p> <p><i>0 = Does not address any CSP objectives</i></p>	N/A
<i>Level of efficiency with regards to operational and maintenance costs (Weighting 20%)</i>	<p><i>Comparative assessment considering whole of life cost on a like for like basis for the type of building/ construction.</i></p> <p><i>5 = Highly efficient and low whole of life cost</i></p> <p><i>4 = Moderately efficient and moderately low whole of life cost</i></p> <p><i>3 = Average efficiency and average whole of life cost</i></p> <p><i>2 = Moderately inefficient and/or moderately high whole of life cost</i></p> <p><i>1 = Highly inefficient and/or very high whole of life cost</i></p>	N/A
<i>Fit for Purpose/ Adaptability for new purpose/ Risk and BCA Compliance (score to the highest possible use) (Weighting 35%)</i>	<p><i>Comparative assessment taking into account:</i></p> <ul style="list-style-type: none"> <i>• Degree building meets requirements for current use</i> <i>• Adaptability for new use/ potential for dual/ multi-use</i> <i>• Frequency of use</i> <i>• Level of risk associated with continued use</i> <i>• BCA compliance</i> <p><i>5= Meets standards, excellent fit for purpose or adaptability for new purpose</i></p> <p><i>1= Major compliance issues, poor fit for purpose or poor adaptability for new purpose</i></p>	N/A

<p><i>Historical and cultural value (Weighting 15%)</i></p>	<p><i>Elements of significance to be considered include:</i></p> <ul style="list-style-type: none"> • <i>Aesthetic significance</i> • <i>Architectural significance</i> • <i>Historical significance</i> • <i>Scientific significance</i> • <i>Social significance</i> • <i>Other significance</i> • <i>Significance to past, present and future generations</i> • <i>Period of significance</i> <p><i>5 = Listed on State Heritage Register and/ or Nationally significant and/or profoundly culturally and historically significant for the majority of the Kojonup population</i></p> <p><i>4 = On State Heritage list and/or strongly culturally and historically significant for the majority of the Kojonup population</i></p> <p><i>3 = Strongly culturally and historically significant for a small proportion and/or moderately significant for a large proportion of the Kojonup community</i></p> <p><i>2 = Culturally and historically significant for a moderate proportion of the Kojonup community</i></p> <p><i>1 = Culturally and historically significant for a small proportion of the Kojonup community</i></p> <p><i>0= Not culturally and historically significant</i></p>	<p>N/A</p>
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In the event any building scores a total weighted score of 30 or less out of 100 in the assessment, then officers will subsequently prepare a detailed assessment of the building and present the results to the Council. The assessment will include at a minimum:

- *Background information about the building;*
- *Valuation and asset management condition scoring information;*
- *A detailed option and impact assessment of the pros and cons of renewal/ repurposing, replacement, rationalisation and/or other relevant options; and*
- *Recommendations.*

CARRIED 8/0

14 AGED CARE SERVICES REPORTS**14.1 NEW POLICY IMPLEMENTATION – SEXUAL EXPRESSION & INTIMACY**

AUTHOR: Susan Northover – Manager Aged Care Services
DATE: Monday, 10 April 2017
FILE NO: CM.POL.2
ATTACHMENT: 14.1 New Policy – Sexual Expression and Intimacy 2017

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to advise Council of our new policy related to sexual expression and intimacy.

BACKGROUND

Under the *Aged Care Act 1997* it is a requirement that all residential aged care facilities have policies that are up to date and compliant with standards.

COMMENT

Springhaven Frail Aged Lodge reviews all policies and procedures regularly as part of their continuous improvement and to maintain relevance. It was brought to my attention during our monthly audits that the facility did not have a policy related to sexual expression and intimacy.

CONSULTATION

Springhaven Staff, Care Recipients, the Senior Management Team and Council.

STATUTORY REQUIREMENTS

Compliance with Accreditation Standards
Aged Care Act 1997 (54.2)
Australian Aged Care Quality Act 2013
Quality Agency Reporting Principles 2013 (96.1)

POLICY IMPLICATIONS

Nil if policy approved by Council.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2017

Outcomes:

- S3 – Being Healthy

Corporate Business Plan 2013 – 2017

- S3.1 – Ensure and promote adequate health services are available in Kojonup.

RISK MANAGEMENT IMPLICATIONS

If no policy in place facility may not meet Standard 2.2 Regulatory compliance and Standard 3.6 Privacy and dignity in relation to accreditation standards.

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council endorses the inclusion of the new policy 15.4 – Sexual Expression & Intimacy in the Springhaven Frail Aged Lodge’s Manual 3 – Resident Care – Resident Lifestyle.

COUNCIL DECISION

42/17 Moved Cr Pritchard, seconded Cr Warland that Council endorses the inclusion of the new policy 15.4 – Sexual Expression & Intimacy in the Springhaven Frail Aged Lodge’s Manual 3 – Resident Care – Resident Lifestyle, subject to the deletion of paragraph 5.

CARRIED 7/1

4:04pm – The Records Officers and the Manager Aged Care Services departed from the Chamber.

Attachment 14.1

Sexual Expression & Intimacy

Springhaven supports all residents in their right to intimacy and sexual expression providing it does not impinge upon the rights of others.

Residents have the right to be treated and accepted as an individual and to have his/her preferences taken into account and be treated with respect.

Care staff will maintain a non-judgmental and respectful attitude. Staff beliefs and values will not interfere with the rights of residents.

Staff to provide and support residents in the right to uninterrupted privacy with a loved one, by providing a “Do not Disturb” sign upon request. (Except where impractical or impossible for medical reasons). Staff must knock and wait for permission before entering a resident’s room, except in emergency situations (i.e. fire, call bell ringing, medical issue)

Residents who wish to access the services of a sex worker will be supported to do so.

For residents that do not have a cognitive impairment, information and decisions about sexual expression are treated with confidentiality and are not discussed with family members unless requested by resident.

Staff to assist residents to feel good about themselves by assisting them with grooming and dressing in favourite clothing.

Appropriate mediation/counselling /education will be sought to assist family to understand the rights of the person with cognitive impairment in situations where the family’s wishes appear to conflict with the residents wishes or interests.

Staff to always report to Manager or RN if they feel inappropriate behaviour is occurring toward a cognitive impaired resident.

Support will be provided to staff members who feel uncomfortable about a resident’s sexual expression and training will be provided to staff.

15 COMMUNITY DEVELOPMENT & TOURISM REPORTS

Nil

The Presiding Member took the opportunity to commend Community Development & Tourism staff and Black Cockatoo Café staff for their assistance with the event management of the ‘Soprano in the Rose Maze’ event. She hopes to see more similar events held in Kojonup in the near future.

16 COMMITTEES OF COUNCIL

Nil

17 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

18 NEW BUSINESS

Nil

UNCONFIRMED

19 CONFIDENTIAL REPORTS**19.1 LOT 7 PENSIONER ROAD – J. HANNA**

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Monday, 10 April 2017
FILE NO: A8995
ATTACHMENT: Nil

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

43/17 Moved Cr Pedler, seconded Cr Pritchard that the meeting be closed to the public at 4.05pm in accordance with Section 5.23 (2) of the *Local Government Act 1995* to discuss:

- (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;**

CARRIED 8/0

COUNCIL DECISION/OFFICER RECOMMENDATION

44/17 Moved Cr Radford, seconded Cr Pedler that Council thank Mr J Hanna for his land offer but given the Shire's existing land holdings and adopted guided development plans it will not be making an offer to purchase Lot 7 Pensioner Road.

CARRIED 8/0

COUNCIL DECISION/OFFICER RECOMMENDATION

45/17 Moved Cr Pritchard, seconded Cr Mathwin that the meeting be reopened to the public at 4:07pm.

CARRIED 8/0

UNCONFIRMED

20 **NEXT MEETING**

Tuesday, 16 May 2017 commencing at 3:00pm.

21 **CLOSURE**

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 4:07pm.

22 **ATTACHMENTS (SEPARATE)**

- Item 10.1 Quarterly Statement of Financial Activity
- Item 10.2 Monthly Payment Listing 01/03/2017 – 31/03/2017
- Item 13.2.1 Business Continuity & Disaster Recovery Plan – Proposed with Tracked Changes
- Item 13.2.2 Business Continuity & Disaster Plan – Proposed
- Item 19.1 Confidential Report

Presiding Member

Date