

# SHIRE OF KOJONUP



## Special Council Minutes

*2<sup>nd</sup> May 2013*

*at 6.00pm*

**SHIRE OF KOJONUP****MINUTES FOR THE SPECIAL COUNCIL MEETING HELD ON 2<sup>nd</sup> May 2013****TABLE OF CONTENTS**

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## M I N U T E S

### 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President declared the meeting opened at 6:00pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points and read aloud the disclaimer below:

#### Disclaimer

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

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

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

### 2 ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

|                    |                        |
|--------------------|------------------------|
| Cr Jane Trethowan  | Shire President        |
| Cr John Benn       | Deputy Shire President |
| Cr Rosie Hewson    |                        |
| Cr Frank Pritchard |                        |
| Cr Ian Pedler      |                        |
| Cr Jill Mathwin    |                        |
| Cr Greg Marsh      |                        |

|                      |  |
|----------------------|--|
| Mr Anthony Middleton | Acting Chief Executive Officer             |
| Mr Mort Wignall      | Manager of Regulatory & Community Services |

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

#### **APOLOGIES**

|                   |                               |
|-------------------|-------------------------------|
| Cr Michael Baulch |                               |
| Mr Kim Dolzadelli | Manager of Corporate Services |

3 **PUBLIC QUESTION TIME** (On matters relating to the purpose of the meeting.)

3.1 **Robert Sexton – Medical Clinic, 34 Katanning Road.**

Mr Sexton asked if a document was in place between the parties for the lease of 34 Katanning Road.

The Shire President replied that there is not.

Mr Sexton asked if there was a Memorandum of Understanding?

The Shire President replied no.

3.2 **Pam McGregor – Medical Clinic, 34 Katanning Road.**

Mrs McGregor asked what is the difference between the Council and the Shire

The Acting Chief Executive Officer responded that the Council is the body of eight (8) elected members and the Shire is both the organisation (legal entity) and the municipal area.

Mrs McGregor queried the town planning appeal provisions contained within item 5.1 and who could submit such an appeal.

The Acting Chief Executive Officer that it would be his role, however, these provisions are unlikely for this item as the Shire would not appeal against itself.

Mrs McGregor clarified that there was some confusion within her submission regarding noise – it was not intended to refer to additional traffic or operational noise but to noise for a medical clinic in a consulting room.

The Shire President replied that the consulting rooms were at the rear of the building and that this was an issue for the applicant and their use and not a town planning consideration.

Mrs McGregor queried why the community petition was not considered as a town planning submission?

The Acting Chief Executive Officer replied that it wasn't a submission and was a completely different process.

4 **DECLARATION OF INTEREST**

Nil

**5 ITEMS****5.1 PLANNING APPLICATION FOR MEDICAL CLINIC AT No. 34 KATANNING ROAD, KOJONUP**

AUTHOR: Phil Shephard – Town Planner  
 DATE: 24 April 2013  
 FILE: CP.DAC.8  
 OWNER: Shire of Kojonup  
 ATTACHMENTS: 5.1.1 Submission from Barbara Hobbs  
 5.1.2 Submission from Pam McGregor

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

To consider submissions received and determine the planning application to utilise the existing dwelling for medical clinic activities.

The recommendation is to note the submissions and approve the proposal subject to conditions.

**BACKGROUND**

The Council at its 19 February 2013 meeting (Resolution 15/13) approved the leasing of the existing dwelling at 34 Katanning Road to St Luke's Family Practice for the purpose of operating a medical practice.

The use of the land in the Residential Development Zone for a medical clinic is required to be advertised for public comment for a minimum period of 21-days in accordance with the Town Planning Scheme No. 3 requirements before the Council can determine the application.

**COMMENT**

The land is zoned Residential Development within Town Planning Scheme No. 3 and Medical Clinic is an 'SA' permissibility which means that the Council may at its discretion permit the use after giving notice of the application in accordance with clause 6.2 of TPS3.

The comment/submission period is set out in clause 6.2.3 'Advertising of Applications' of TPS3 which states:

- 6.2.3 *Where the Council is required or decides to give notice of an Application for Planning Consent the Council shall cause one or more of the following to be carried out:*
- (a) *Notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of Planning Consent stating that submissions may be made to the Council within 21-days of the service of such notice;*
  - (b) *Notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within 21-days from the publication thereof;*
  - (c) *A sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of 21-days from the date of publication of the notice referred to in paragraph (b) of the clause.*
- 6.2.4 *The notice referred to in clause 6.2.3(a) and (b) shall be in the form contained in Schedule III(b) with such modifications as circumstances require.*
- 6.2.5 *After the expiration of 21-days from the serving of notice of the proposed development, the publication of the notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.*

In determining the application, Council must comply with the requirements set out in clause 6.3 ‘Determination of Applications’ of TPS3 which states:

- 6.3.1 *In determining an Application for Planning Consent the Council may consult with any authority which, in the circumstances, it thinks appropriate.*
- 6.3.2 *The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned, used or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality, may refuse to approve any Application for Planning Consent or may grant its approval unconditionally or subject to such conditions as it thinks fit.*

At the completion of the comment period, 2 submissions have been received on the proposal. They provide comment on a number of matters with some comments raising matters outside the scope of the scheme or that do not relate to planning considerations.

In response to the matters raised in the submission, the following responses are provided:

- The use of the dwelling for medical clinic activities will not change the zoning of the land from Residential Development.
- These types of non-residential uses such as small-scale tourism ventures (bed and breakfast), convenience store, medical clinic/centre, professional office, cottage industry, day care centre, educational establishment and home occupations, kindergarten etc are all permissible uses within the zone.
- Katanning Road is able to accommodate the potential increase in traffic expected from the operation of the clinic.
- The impact of noise into the clinic from the road is not expected to rise from the use of the building as a medical clinic.
- The leasing of the property and granting of planning/building approvals are separate approvals required under separate legislation.

It is clear from the discussion on the leasing decision that the proposal is considered by Council to be an interim measure with the development of a new medical centre to be pursued subject to suitable funding of the centre being achieved.

The proposal is consistent with the definition of Medical Clinic which is defined within Town Planning Scheme No. 3 as follows:

*Means premises in which facilities are provided for two or more of the following: a medical practitioner, a dental practitioner, physiotherapist, chiropractor, masseur;*

Table II – Development Table in Town Planning Scheme No. 3 does not contain any specific requirements for a medical clinic (although Consulting Rooms are mentioned) and the development is required to conform to the provisions for the predominant use in the zone or such requirements as determined by Council.

These are discussed below:

| <b>Controls</b>              | <b>Comment</b>   |
|------------------------------|--|
| Minimum Boundary Setback (m) | The boundary setbacks for consulting rooms are to be determined by Council in each case.<br><i>The proposal utilises an existing dwelling and no change to any setbacks are required.</i>                    |
| Maximum Plot Ratio           | The maximum plot ratio for consulting rooms is 0.4 in the Residential Zone.<br><i>The existing dwelling is approximately 191m<sup>2</sup> in area and this equates to a plot ratio of approximately 17%.</i> |
| Minimum Landscaped Area (%)  | The minimum landscaped area for consulting   |

| Controls                           | Comment  |
|------------------------------------|--|
|                                    | rooms is 30% in the Residential Zone.<br><i>The proposal will need to incorporate this requirement through a condition of development.</i>   |
| Minimum Number of Car Parking Bays | The minimum number of bays for consulting rooms is 1 bay per 30m <sup>2</sup> of gross floor area, plus 1 for each person employed.<br><i>The proposal will need to incorporate this requirement through a condition of development.</i> |

These requirements shall be placed as conditions of approval to the proposal.

The options available to Council in considering the application can be summarised as follows:

- a) Refuse the application (and give reasons);
- b) Approve the application (with or without conditions); or
- c) Defer the application and seek additional information (if considered necessary).

The author recommends the application be approved with conditions.

#### **CONSULTATION**

To enable public comment/submissions on the proposal, the application was:

- Directly referred to adjoining/nearby landowners.
- Advertised in the Great Southern Herald and Kojonup News newspapers.
- Notice of application was displayed on a sign on-site.
- Notice of application was displayed on Public Notice Board.

#### **STATUTORY ENVIRONMENT**

*Planning and Development Act 2005* – The Shire of Kojonup Town Planning Scheme No. 3 is an operative planning scheme under the Act.

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

Normally, the proponent is responsible to pay the application fee and advertising costs associated with the referral as required under the Shire of Kojonup 2012/2013 Budget ‘Schedule of Fees and Charges’. The Shire of Kojonup is the applicant and therefore there is no income being derived.

As this is a discretionary use, the applicant may appeal, all or any part, of the Council’s decision through the State Administrative Tribunal. Should the applicant challenge the decision through an appeal to the State Administrative Tribunal, there would be costs in defending the appeal.

#### **STRATEGIC IMPLICATIONS**

The proposal to utilise the existing dwelling for medical clinic activities will assist to provide additional medical services to the Kojonup community and will provide a short to medium term solution for the provision of medical services and integrate with the Council’s current ‘Medical/Health Centre Advisory Committee’ process for a long term solution.

#### **VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION / OFFICER RECOMMENDATION****60/13 Moved Cr Pedler, seconded Cr Hewson**

- 1) **That Council note the submissions and grant planning consent for the use and development of the existing dwelling at No. 34 Katanning Road, Kojonup as a medical clinic subject to the following conditions:**
  - a) **The development to be in accordance with the attached stamped approved plans and any variations approved by the Chief Executive Officer.**
  - b) **The provision of a sealed, drained and marked car parking area and entry/exit points onto Katanning Road (on adjoining land to the west) incorporating 1 bay for every 30m<sup>2</sup> of gross floor area + 1 bay for each person employed to the satisfaction of the Chief Executive Officer.**
  - c) **The disabled parking bay and a continuous accessible path to the entry point shall be provided to comply with AS/NZS 2890.6:2009 and other relevant standards.**
  - d) **The provision of on-site landscaping to 30% of the area to be used for the medical clinic to the satisfaction of the Chief Executive Officer.**
  - e) **The development to be provided with a stormwater collection and disposal system to be designed by the proponent to be approved by the Chief Executive Officer, in consultation with the Manager of Works.**
  - f) **All external signs require a separate planning application to be submitted for approval.**

*Advice Notes:*

- i) *This is planning approval only and a separate Building Permit is required to be obtained from the Shire of Kojonup prior to any construction activity commencing.*
- 2) **That Council write to the submitters and advise of the decision to approve the activity subject to conditions.**

Foreshadowed Motion

Cr Pritchard foreshadowed the following motion:

“that Council defer the planning application for the use of 34 Katanning Road as a Medical Clinic, and seek additional information on the items listed below, which relate to the provision of medical services in Kojonup and have not been previously discussed by Council.

1. Correspondence from Dr. King.
2. The community petition
3. Pioneer Health Albany
4. S.I.H.I. visit to Kojonup Hospital”

Cr Mathwin foreshadowed that she would second Cr Pritchards foreshadowed motion.

Debate returned to the substantive motion. Following the closure of debate, the substantive motion was then put and ....

**CARRIED 4/3**

Due to this motion being carried, Cr Pritchard did not move his foreshadowed motion.



Cr Mathwin requested that the vote of all members present be recorded in the minutes, in accordance with s5.21(4) of the Local Government Act 1995. Votes were as follows:

FOR:  
Cr Trethowan  
Cr Pedler  
Cr Hewson  
Cr Baulch  
Cr Marsh

AGAINST:  
Cr Mathwin  
Cr Pritchard  
Cr Benn

Cr Benn requested his moving a procedural motion that was disallowed by the Shire President in accordance with the Shire of Kojonup standing orders be recorded in the minutes.

A/CEO

9 APR 2013

Shire of Kojonup

Albany Highway

Kojonup 6395

ICR12056

| SHIRE OF KOJONUP |          |      |      |      |
|------------------|----------|------|------|------|
| FILE:            | CP DAC 8 |      |      |      |
| CEO              | EC or HC | NFA  | MCS  | MRCs |
| PR               | SFO      | WM   | CDPO | PB   |
| CPM              | SIAM     | PLAN |      |      |

7<sup>th</sup> April 2013

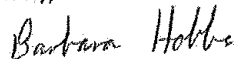
Dear Mr Middleton,

**Re: Schedule 111 (B) Notice of Application for Planning Consent**

As a Shire resident and rate payer, I am very concerned about the plan to change the Location 34 Katanning Road from residential to 'medical clinic activities'. I am against such a proposal for the following reasons.

- A medical clinic on the Katanning Road is bad planning in that it is so far away from the hospital and also the main residential areas of the town.
- By allocating this site as 'medical clinic activities', instead of residential, we run the risk of making this a 'permanent' plan for the medical centre to be sited on this site.
- Given that such a proposal will also require money to be spent on buildings and car parks, I am of the opinion that the money should be saved to help in the construction of a new medical centre, as being proposed by the Advisory Committee.
- It will give funding bodies that are looking at any future proposal for a new Medical Centre a legitimate reason to refuse funding – as the town will look as if 'it already has two medical centres', given that two areas will be allocated as 'medical clinic activities' and a third area will be proposed. Without the considerable funding that **could be available** and has been promised for the Medical Centre by various funding bodies, the Shire will be unable to fund the whole of the Medical centre themselves and they will have left us with second rate facilities in a place that is unsuitable.
- These houses are part of the Shire housing plan. If they are no longer needed to house staff from the Shire then perhaps they should be sold and the money put into suitable funding within the Shire – or even towards the funding of a new Medical Centre near the hospital.
- Submitting to the desires of an entrepreneur - who has no personal interest in Kojonup and its people is a worrying concept - just to get a second doctor in town. If good facilities are created in a Medical Centre, we will attract doctors who will be prepared to use the local hospital facilities wherever possible. I am prepared to wait for that to happen in the future.

Yours sincerely,



Barbara Hobbs

---

**Dominique Hodge**

---

**From:** Anthony Middleton  
**Sent:** Monday, 15 April 2013 4:07 PM  
**To:** Dominique Hodge  
**Subject:** ICR12123 - FW: Submission re Planning Application

Dominique Hodge  
**Personal Assistant to the CEO**  
SHIRE OF KOJONUP

93 Albany Highway Kojonup WA 6395 | PO Box 163 Kojonup WA 6395  
**Tel: 9831 2400 | Fax: 9831 1566 | [www.kojonup.wa.gov.au](http://www.kojonup.wa.gov.au)**



FOR RECIPIENTS EXTERNAL TO THE SHIRE OF KOJONUP

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**From:** JD & PA McGregor [<mailto:maybenup@bigpond.com>]  
**Sent:** Monday, 15 April 2013 3:23 PM  
**To:** President; Anthony Middleton; [proandra@hotmail.com](mailto:proandra@hotmail.com); [warrencreek@bordernet.com.au](mailto:warrencreek@bordernet.com.au); 'Frank Pritchard'; 'Rosie Hewson'; 'Michael Baulch'; [ian@pedler.com.au](mailto:ian@pedler.com.au); 'Jill Mathwin'  
**Cc:** Kim Dolzadelli  
**Subject:** Submission re Planning Application

15<sup>th</sup> April 2013

To Shire President, Acting CEO and Shire Councillors, with copy to Deputy CEO

Re Schedule III (B) Notice of application for planning consent for 34 Katanning Road.

While I have general concerns about the Council spending funds on modifying the Council owned building at 34 Katanning Road for use as a public building, I understand and accept that these alterations must be done for that use to happen.

And I accept that because Council carried a motion on 19<sup>th</sup> February 2013 to lease the premises to St Luke's Family Practice for the purpose of operating a medical practice, the Council had then to apply for planning permission.

However, I am unsure that these premises are the best place that a second medical practice should operate from in Kojonup. It is on a fairly busy road, with some heavy traffic (especially Tuesdays, Wednesdays and Thursdays in connection with the Katanning Sheep Sales) and this could pose problems for patients entering and exiting the proposed car park, as well, in particular, as noise interference during consultations as there would not be soundproofing in the building (although I could be incorrect on that!).

I did contact the Shire Council to ascertain the closing date for submissions to this application and was told by the Acting CEO that it was Wednesday. It was therefore a surprise to see in the agenda for tomorrow's meeting a recommendation (10.3) from the Acting CEO that modifications be undertaken at Council's expense to 34 Katanning Road. I would have thought that such a recommendation would not have been made until after the closing date for submissions to the planning application, so that all submissions are received and considered by Council. If Council then agrees to allow the application, then the decision could be made to proceed with the modifications to 34 Katanning Road.

I may be incorrect also in my understanding of submissions and their consideration by Council but if Council considers and votes for work on 34 Katanning Road before the planning application period has closed, then why is there any point in the community making submissions?

Kind regards.

(Mrs) Pam McGregor

## 5.2 REGIONAL ARCHIVE REPOSITORY – MEMORANDUM OF UNDERSTANDING

AUTHOR: Anthony Middleton – Acting Chief Executive Officer  
DATE: Wednesday, 24 April 2013  
FILE NO: GR.LRL.2  
ATTACHMENT: 5.2 Proposed Memorandum of Understanding

### **DECLARATION OF INTEREST**

Nil.

### **SUMMARY**

The purpose of this item is to seek the Council's agreement to enter into a Memorandum of Understanding (MOU) with the Shires of Broomehill-Tambellup, Cranbrook and Kojonup relating to the operations of the Broomehill Regional Archive Repository.

### **BACKGROUND**

At its meeting held on 15 February 2011, the Council resolved:

**'that Council endorse the grant application for the regional component of the Royalties for Regions, for the regional record repository project.'**

At that meeting the Council was advised that the Strategic Plan endorsed by the Southern Link Voluntary Regional Organisation of Councils (VROC) and subsequently each member Council, identified regionally significant projects to be prioritised for funding consideration as part of the regional group component of the Country Local Government Fund.

The joint archive repository to be situated in the old Council Offices at Broomehill was an agreed component of the regional grant. The construction of the repository is currently underway and is expected to be finalised and ready for use by late July 2013.

### **COMMENT**

The Memorandum of Understanding attached to this report is a simple agreement to reflect the rights and responsibilities of each of the signatories, being the Shires of Broomehill-Tambellup, Cranbrook, Kojonup and Plantagenet.

It is reasonable to note that the regional component of the Country Local Government Fund has been utilised to refurbish existing infrastructure owned by the Shire of Broomehill-Tambellup. For the ratepayers and residents of the Shire of Kojonup to continue to take advantage of this regional component, it will be necessary to continue to use the facility constructed. The Agreement notes that if any signatory withdraws, then that signatory has no right to any capital refund as this would be contrary to the original grant agreement.

It should also be acknowledged that the MOU is also attempting to protect the interests of each VROC member Council in the event of any future amalgamation.

### **CONSULTATION**

This proposed MOU has been extensively discussed between the four (4) Chief Executive Officer's of the Southern Link VROC and is being considered by the four (4) Council's for endorsement.

### **STATUTORY REQUIREMENTS**

Royalties for Regions Act 2009

### **POLICY IMPLICATIONS**

Council Policy 2.4, Records Management, sets out a framework for the reliable and systematic management of Shire Records in accordance with legislative requirements.

**FINANCIAL IMPLICATIONS**

The total cost of the construction of the repository project is \$416,454.28 (ex GST). These funds have been covered through the Royalties for Regions allocation (regional component), the Shire of Broomehill-Tambellup's contribution (towards the refurbishment of the library, reception area and toilets) and interest earnings. However, as noted below, there will be operational and ongoing asset renewal obligations.

The Chief Executive Officers have agreed that in the first year of operation a total 'rental' will be levied by the Shire of Broomehill-Tambellup of \$5,000.00 to be shared between the signatory members based upon the percentage of shelf space to be taken up.

Although funds allocated to each of the Shires in accordance with Royalties for Regions have been utilised, such funding has been spent on an asset owned by the Shire of Broomehill-Tambellup. Therefore, asset management implications rest with the Shire of Broomehill-Tambellup. That Shire will levy an annual charge which will be utilised for both operational and asset renewal matters.

**STRATEGIC IMPLICATIONS**

This report contributes to the following strategic directions in the Shire of Kojonup 'Plan for the Future' 2010-2015:

- 1.1 Maintain Robust Systems and Controls**
  - 1.1.1 Ensure Statutory Compliance
- 1.4 Support Regional Collaboration and Resource Sharing**
  - 1.4.1 Participate as an active partner in the Southern Link VROC
  - 1.4.2 Commit appropriate staff and resources to support regional planning, initiatives and services
- 2.4 Pursue Cost Reduction Strategies**
  - 2.4.1 Examine regional resource sharing opportunities
  - 2.4.2 Pursue cost efficiencies from operations

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**61/13 Moved Cr Mathwin, seconded Cr Pritchard that:**

- 1. the attached Memorandum of Understanding between the Shires of Broomehill-Tambellup, Cranbrook, Kojonup and Plantagenet relating to the Broomehill Regional Archive Repository be endorsed; and**
- 2. the Shire President and Acting Chief Executive Officer be authorised to execute the agreement.**

**CARRIED 7/0**

Memorandum of Understanding  
(MOU)  
Broomehill Regional Archive Repository

Preamble

The Shires of Broomehill-Tambellup, Cranbrook, Kojonup and Plantagenet (the signatories) have utilised funding made available through the State Government's Royalties for Regions Scheme to refurbish the former Shire of Broomehill Council Chambers and Administration building situated on Portion of Reserve 14077, Lots 611, 92 and 93 Great Southern Highway Broomehill, WA as a Regional Archive Storage Repository (the Repository) for use by the signatories.

Purpose

The purpose of this MOU is to set out the rights and responsibilities of each of the signatories regarding the use of the repository and apportioning of costs relating to the operation of the repository and its maintenance.

Duration

The Memorandum shall commence on 1 July 2013 and shall continue for a period of 21 years, ending on 30 June 2034. Twelve months prior to the conclusion of the MOU, the signatories shall commence negotiations for a further agreement.

Withdrawal by Signatory

Any signatory can withdraw from the agreement with three months' written notice to each of the other parties. In the event of withdrawal, that signatory shall remove all of that signatory's archived material from the repository by the withdrawal date.

Effect of Withdrawal

Upon withdrawal in accordance with the previous paragraph, the withdrawing signatory acknowledges that there will be no refund of funds utilised to construct, maintain or operate the repository or operational costs.

Further, re-admittance to use the repository will be subject to permission being received by the remaining signatories.

The remaining signatories shall be able to vary allocated shelf space in the repository by agreement.

Termination

With the agreement of all signatories, this agreement can be terminated prior to the end date. Once the agreement is terminated all archived material shall be removed from the repository.

The building and its fixtures will remain the property of the Shire of Broomehill-Tambellup.

Use of Repository

The repository shall be used by the signatories for the storage of archived material. All archival material shall be stored in A4 Archival Storage Boxes.

Each signatory is responsible for the packing of that signatory's archival material.

Shelf space shall be allocated as follows:

|                      |     |
|----------------------|-----|
| Broomehill-Tambellup | 20% |
| Cranbrook            | 20% |
| Kojonup              | 25% |
| Plantagenet          | 35% |

Material stored shall be classified under the General Disposal Authority for Local Government Records (the GDALG) as published by the State Records Office of Western Australia from time to time.

Ownership of Archival Material

Archived material shall always remain the property of the signatory depositing that material.

Operational Costs

The signatories acknowledge that operational costs will be associated with the running of the repository.

An annual rental charge shall be made in the ratio of Broomehill-Tambellup 20%, Cranbrook 20%, Kojonup 25% and Plantagenet 35% to cover these costs.

In the first year of operation, the total amount to be charged by the Shire of Broomehill-Tambellup will be \$5,000.00 to be shared in accordance with the above ratio.

Operational Responsibility

The operational responsibility for the repository shall be with the Shire of Broomehill-Tambellup.



Each signatory shall be individually responsible for its own storage and the contents of each storage box.

No signatory or person shall be permitted to open any archived box that is not their own unless express permission to do so has been received.

#### Retrieval of Documents

Any signatory requiring to retrieve a storage box or boxes shall request the required box or boxes from the Shire of Broomehill-Tambellup which shall then arrange for the requested box or boxes to be delivered by the most appropriate method to the requested signatory.

The Shire of Broomehill-Tambellup shall develop a system to invoice for this service in any appropriate manner agreed to by all the parties.

#### Regular Meetings

The signatories agree to hold meetings at least annually to discuss the operations of this MOU and the repository and to suggest amendments either to the operations, the MOU or both.

#### Authorised Communication

Any communication required as a result of this MOU should be directed to the CEO of each of the signatories.

Shire of Broomehill-Tambellup  
46-48 Norrish Street  
Tambellup WA 6320

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Shire President

---

Chief Executive Officer

Shire of Cranbrook  
PO Box 21  
Cranbrook WA 6321

---

Shire President

---

Chief Executive Officer

Shire of Kojonup  
Po Box 163  
Kojonup WA 6395

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Shire President

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Chief Executive Officer

Shire of Plantagenet  
PO Box 48  
Mount Barker WA 6324

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Shire President

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Chief Executive Officer

### Status of the Memorandum of Understanding

The signatories of this MOU acknowledge that the provisions contained are not legally enforceable but rely on a spirit of cooperation between the signatories. The MOU is not intended to remove or modify the power of any signatory to make policy decisions. Such policy decisions remain with each signatory.

5.3 CHIEF EXECUTIVE OFFICER RECRUITMENT PROCESS  
 5.4 STAFF HOUSING - CHIEF EXECUTIVE OFFICER POSITION

AUTHOR: Anthony Middleton – Acting Chief Executive Officer  
 DATE: Monday, 29 April 2013  
 FILE NO: PE.RCR.1, CP.ACD.7 & A8359  
 ATTACHMENT: Confidential Report & Attachments

#### SUMMARY

The purpose of this item is to endorse the process, timeline and content of documents used by the Council in its recruitment of a new Chief Executive Officer.

The purpose of this report is to consider staff housing assets for the recruitment and retention of the position of Chief Executive Officer

#### STATUTORY REQUIREMENTS

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

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

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

#### VOTING REQUIREMENTS

Simple Majority

#### COUNCIL DECISION / OFFICER RECOMMENDATION

**62/13 Moved Cr Hewson, seconded Cr Marsh that the meeting be closed to the public for Items 5.3 and 5.4 in accordance with s5.23 of the Local Government Act 1995 to discuss:**

- a matter affecting an employee or employees; and
- 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 7/0**

*4 members of the gallery left the Chamber at 6.43pm.*

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**63/13 Moved Cr Benn, seconded Cr Pritchard that:**

1. The following attached documents, as amended, for the Chief Executive Officer recruitment be adopted and the salary package contained within them be endorsed:
  - Advertisement
  - Information Package
  - Draft Contract
  - Position Description
  - Recruitment Timetable
2. The attached advertisement be placed in the West Australian newspaper on 4 & 11 May 2013 and once in the Australian Local Government Job Directory.
3. The Council engage Anne Lake Consultancy to commence the Chief Executive Officer recruitment process in accordance with the attached timetable.

**CARRIED 7/0**

**COUNCIL DECISION**

**64/13 Moved Cr Benn, seconded Cr Pedler that:**

1. 25 Vanzuilecom Street, Kojonup be offered for sale, by Auction, in accordance with s3.58 of the Local Government Act 1995, subject to:
  - A 'reserve' sale price equivalent to the minimum range of the current market value;
  - Auction and selling fees in accordance with the attached proposal for sale.
2. 30 Katanning Road, Kojonup be allocated as a short term Chief Executive Officer's residence for the current recruitment process; and
3. The Acting Chief Executive Officer prepare a Staff Housing Audit for the consideration of the Council prior to 30 June 2013, detailing current housing gaps and future investment requirements.
4. Proceeds from the sale be placed into the Staff Housing reserve.

**CARRIED 7/0**

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**65/13 Moved Cr Hewson, seconded Cr Mathwin that the meeting be reopened to the public.**

**CARRIED 7/0**

*The members of the public then returned to the Chambers at 8.15pm.*

*The Shire President then read aloud the Council decisions made behind closed doors.*

**6**      **CLOSURE**

There being no further notice of business for the Special Meeting under section 5.5 of the Local Government Act 1995, the President thanked the members for their attendance and declared the meeting closed at 8:17pm.

**7**      **ATTACHMENTS (SEPARATE)**

5.3      Confidential - Chief Executive Officer Recruitment Process Report & Attachments

5.4      Confidential - Staff Housing – Chief Executive Officer Position Report & Attachments

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

\_\_\_\_\_  
Date