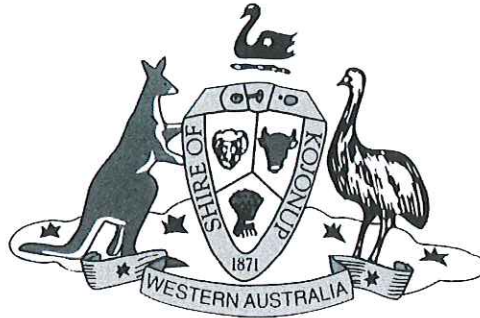


SHIRE OF KOJONUP



Council Agenda

15th April 2014

TO: THE SHIRE PRESIDENT AND COUNCILLORS

NOTICE is given that a meeting of the Council will be held in Council Chambers, Administration Building Albany Highway, Kojonup on Tuesday 15th April 2014 commencing at 3:00pm.

Qualified Persons Advice etc.

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

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

Your attendance is respectfully requested.

A handwritten signature in blue ink, appearing to read 'Rick Mitchell-Collins', written over a horizontal dashed line.

RICK MITCHELL-COLLINS
CHIEF EXECUTIVE OFFICER

9 April 2014

SHIRE OF KOJONUP**AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 15th April 2014****TABLE OF CONTENTS**

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A G E N D A

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President shall declare the meeting open and alert the meeting of the procedures for emergencies including evacuation, designated exits and muster points and draw the meetings attention to the disclaimer below:

Disclaimer

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

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

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

2 ATTENDANCE & APOLOGIES

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

Mr Rick Mitchell-Collins	Chief Executive Officer
Mr Anthony Middleton	Manager of Corporate Services
Miss Dominique Hodge	Personal Assistant to the CEO

APOLOGIES

3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 **PUBLIC QUESTION TIME**

5 **APPLICATIONS FOR LEAVE OF ABSENCE**

6 **CONFIRMATION OF MINUTES**

ORDINARY MEETING 18th March 2014

COUNCIL DECISION

/14 Moved Cr _____, seconded Cr _____ that the Minutes of the Ordinary Meeting of Council held on 18th March 2014 be confirmed as a true record.

CARRIED/LOST /

7 **ANNOUNCEMENTS** by the Presiding Member without discussion

8 PETITIONS, DEPUTATIONS & PRESENTATIONS

9 DECLARATIONS OF INTEREST

Item 14.2 - Cr John Benn previously declared an interest as Chairman of the Kojonup Tourist Association.

Item 17.2 – Mr Rick Mitchell-Collins declared an interest as Chief Executive Officer of the Shire of Kojonup as it directly relates to his position as Chief Executive Officer.

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

AUTHOR: Anthony Middleton – Manager of Corporate Services
DATE: Wednesday, 9 April 2014
FILE NO: FM.FNR.2
ATTACHMENT: 10.1 Monthly Statement of Financial Activity

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to note the Monthly Financial Statements for the period ending 31 March 2014.

BACKGROUND

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

COMMENTS

The attached Statement of Financial Activity for the period 1 July 2013 to 31 March 2014 represents nine (9) months, or 75% of the year. The following items are worthy of noting:

- 67% of budgeted operating revenue has been received and 80% of budgeted operating expenditure has been spent;
- Only 6.6% of total rates collectable are outstanding (this figure includes previous years arrears); and
- Cash holdings of \$3.93m of which \$2.36m is held in cash backed reserve accounts.

Page 7 of the statements details major variations from year to date budgets. It should be noted that elsewhere in this agenda is a budget review item recommending substantial changes to the budget, thereby correcting the majority of these variations reported in these financial statements.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Draft Corporate Business Plan 2013-17

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

Strategy 1.1.4 Maintain robust systems and controls

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the monthly financial statements for the period 1st July 2013 to 31st March 2014, as attached, be noted.

COUNCIL DECISION

/14 Moved Cr

, seconded Cr

CARRIED/LOST

/

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Brodie Hueppauff – Finance Officer
DATE: Friday, 4 April 2014
FILE NO: FM.AUT.1
ATTACHMENT: 10.2 Monthly Payment Listing 1/3/2014 – 31/3/2014

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments that were made from 1st March 2014 to 31st March 2014.

BACKGROUND

Not applicable.

COMMENT

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

CONSULTATION

No consultation was required.

STATUTORY ENVIRONMENT

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

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

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

All payments made in line with Council Policy.

STRATEGIC IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority from 1/3/2014 to 31/3/2014 comprising of Municipal Cheques 13068 to 13089, EFT's 11667 to 11835 and Direct Debits 16020.1 to 4623 totalling \$965,317.13 and as attached to this agenda, be received.

COUNCIL DECISION

/14 Moved Cr

, seconded Cr

CARRIED/LOST

/

10.3 2013/2014 BUDGET REVIEW

AUTHOR: Anthony Middleton – Manager of Corporate Services
 DATE: Friday, 28 March 2014
 FILE NO: FM.FNR.2
 ATTACHMENT: 10.3 2013/2014 Budget Review

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider a review of the Annual Budget for 2013/2014.

BACKGROUND

The Local Government (Financial Management) Regulations state that a local government must undertake a budget review annually.

Regardless of statutory requirements, conducting a budget review at least once each year is sound financial management practice. It enables the Council to analyse the financial performance of the year to date and make changes to the authorisations that it puts in place for the performance of the local government's functions.

COMMENTS

The budget review papers are attached to this agenda as a separate document and individual comments are noted within these papers for major suggested changes to the budget. This budget review has been performed on a line by line basis against the February 2014 monthly financial statements, with the following considerations:

- What is realistically capable of being completed prior to 30 June 2014;
- Changes to external funding arrangements;
- Consistencies with other strategic directions; and
- Affordability to maintain a balanced budget.

Major capital expenditure changes (greater than \$10,000) proposed are as follows:

A/c #		Original Budget	Proposed Budget	Comments
Capital Expenditure				
<u>Governance</u>				
C191	Office Building Capital Renewal	\$55,000	\$25,000	Front office re-design awaiting direction on possible Chambers relocation
<u>Health</u>				
C193	Construct New Medical Centre	\$346,598	\$0	2012/2013 CLGF round cancelled
<u>Housing</u>				
C157	Staff Housing As Per Asset Management Plan	\$500,000	\$465,000	Budget reduced by \$35,000 to reflect sale proceeds of Vanzuilecom St.
C302	LGEEP Grant (Heater Systems - Springhaven)	\$0	\$20,507	New project following successful grant application of \$16,606
C297	Independent Living Units - Land	\$90,000	\$0	Funding (& therefore project) commences 1 July 2014.
C298	Independent Living Units - Buildings	\$768,750	\$0	Funding (& therefore project) commences 1 July 2014.
<u>Community Amenities</u>				
C199	Memorial Hall Structural Repair	\$25,000	\$0	Time and funding constraints.

C259	Purchase Cemetery Land	\$80,000	\$0	Re-allocated to tree removal and concrete plinths
New	Cemetery Upgrade		\$20,000	See previous item (C259)
C268	New Toilet at Cemetery	\$40,000	\$6,000	Relocated portable in lieu of new.
C299	Day Care/Toy Library/Play Group	\$1,000,000	\$678,726	Net of two discontinued grant schemes.
<u>Recreation and Culture</u>				
C295	Swimming Pool Improvement/Renewal	\$25,000	\$0	Deferred awaiting sporting facilities master plan
C179	Perimeter Fencing Upgrades	\$17,000	\$0	Deferred awaiting sporting facilities master plan
C274	Netball Court Surface	\$149,000	\$15,000	Council Motion – 18 March 2014
C278	Sporting Complex Car park	\$39,000	\$0	Deferred awaiting sporting facilities master plan
<u>Transport - Plant Purchases</u>				
7604	Purchase of Plant & Equipment	\$1,044,535	\$1,026,535	No change to net figures. Two 'pool' vehicles deferred due to purchase of MCS vehicle.
<u>Other Property & Services</u>				
C258	Depot Upgrade/Pound Renewal	\$22,000	\$7,000	Pound upgrade not required. \$7,000 to repair roller door.

CONSULTATION

Senior Staff have assisted in the compilation of the Budget Review Document.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulation 33A states:

“Review of budget

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.
- (3) A Council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.
*Absolute majority required.
- (4) Within 30 days after a Council has made a determination, a copy of the review and determination is to be provided to the Department.”

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

The budget review recommends changes to the adopted budget and, therefore, changes the projects previously authorised by the Council. Whilst individual projects have varying financial implications, the resulting changes maintain a balanced budget. See Page 3 of the Budget Review document.

STRATEGIC IMPLICATIONS

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

Draft Corporate Business Plan 2013-17

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

Strategy 1.1.4 Maintain robust systems and controls

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That the 2013/2014 Annual Budget be amended in accordance with the proposed changes in the attached 2013/2014 Budget Review document.

COUNCIL DECISION

/14 Moved Cr

, seconded Cr

CARRIED/LOST

/

11 WORKS & ENGINEERING REPORTS

Nil

12 COMMUNITY & REGULATORY SERVICES REPORTS**12.1 PROPOSED VERANDAH – 100 ALBANY HIGHWAY, KOJONUP**

AUTHOR: Phil Shephard – Town Planner
DATE: Tuesday, 1 April 2014
FILE NO: DB.BDA.8
ATTACHMENT: 12.1 Verandah Plans

DECLARATION OF INTEREST

Nil

SUMMARY

To consider a proposal to construct a verandah along the frontage of the existing art gallery building on the corner of Albany Highway and George Street, Kojonup.

BACKGROUND

Nil

COMMENT

As the proposed verandah will extend onto the highway road reserve, staff has referred the application to the Commissioner for Main Roads and Department of Lands for their comment/advice. Staff have discussed the proposal with the applicants and advised of the need to seek comment from these agencies as the land on which the verandah will be constructed is Crown land and not owned by the applicants.

The proposed verandah will replace the previous cantilevered awning that was removed from the front of the building during its conversion from the previous agricultural supplies business to art gallery.

The proposed verandah will extend a maximum of 3m into the road reserve and will have a minimum clearance of 2.1m from the footpath. It is considered the proposed verandah will enhance the building's appearance and be a positive addition to the Albany Highway streetscape. The verandah area will also provide additional pedestrian refuge from sun/rain along the street.

In considering the proposal, Council has the following options available at this stage:

1. Defer the proposal and seek additional advice from the applicants if deemed necessary; or
2. Refuse to support the proposal giving reasons and advise the applicants accordingly; or
3. Support the proposal and delegate authority to the Chief Executive Officer to grant approval to the proposal subject to no adverse comment being received from either the Commissioner for Main Roads or Department of Lands.

Staff recommend option 3) be adopted to enable the application to proceed subject to no adverse comments being received from either referral agency. Should any adverse comment be received, the application will be referred back to Council for determination.

CONSULTATION

The proposal has been referred to the Commissioner for Main Roads and Department of Lands for comment/advice.

STATUTORY REQUIREMENTS

Main Roads Act 1930 places the care, control and management of such a highways and any "property" placed on or upon or appurtenant to a main road vests in the Commissioner for Main Roads.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Should the application proceed planning/building fees will be payable in accordance with the Shire's adopted Schedule of Fees/Charges.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council support the proposed verandah addition to No. 100 Albany Highway/George Street, Kojonup as shown on the submitted diagrams and delegate authority to the Chief Executive Officer to grant approval to the proposal subject to no adverse comment being received from either the Commissioner for Main Roads or Department of Lands.

COUNCIL DECISION

/14 Moved Cr

, seconded Cr

CARRIED/LOST

/





12.2 PROPOSED REMOVAL OF MOBRUP HALL

AUTHOR: Phil Shephard – Town Planner
DATE: Tuesday, 1 April 2014
FILE NO: CP.MTC.12
ATTACHMENT: 12.2 Mobrur Hall (Municipal Heritage Inventory Place Record Form)

DECLARATION OF INTEREST

Nil

SUMMARY

The Mobrur Hall owners have sold the building privately for relocation and reconstruction at another site. As the building is contained on the Shire's Municipal Heritage Inventory, planning approval is required for the removal of the building from the site.

BACKGROUND

The Shire's Municipal Heritage Inventory was completed in August 1997 by O'Brien Planning Consultants. The Inventory includes the Mobrur Pioneer Memorial Hall as Place No. 30 (see attached listing). The listing highlights the hall has local historical and social significance as a place that has provided a centre for community effort/facilities.

COMMENT

The use of the hall has declined, as have many similar facilities in rural areas and as Councilors' are aware, the hall committee have been seeking to sell the building for some time. Previous staff have assisted the committee with the preparation of tender documents for the halls removal and the proposal has been widely advertised in local/regional newspapers. The portico and existing trees at the entrance will be retained at this time.

Recently, staff have been advised that the hall has now been sold and in accordance with Town Planning Scheme No. 3 requirements, Council planning approval is required to remove the building.

In considering the proposal, Town Planning Scheme No. 3 provides Council with the following options:

1. Defer the proposal and seek additional advice from the applicants if deemed necessary; or
2. Refuse to grant approval giving reasons and advise the applicants accordingly; or
3. Grant approval without conditions; or
4. Grant approval with conditions including conditions aimed at the conservation of the place or precinct.

If approved, the removal of the Mobrur Hall will be advised to the consultants selected to complete the upcoming review of the Municipal Heritage Inventory. It is suggested that the committee overseeing the future review of the Municipal Heritage Inventory include consideration of a program of erecting commemorative plaques to recognise local heritage places such as Mobrur Hall.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

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

Heritage of Western Australia Act 1990 – sets out the requirements for Council's to prepare and maintain local heritage inventories.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

- 1. Council grant planning approval in accordance with Town Planning Scheme No. 3 for the hall committee to remove the Moberup Pioneer Memorial Hall subject to the site being left in a clean and tidy state to the satisfaction of the Chief Executive Officer.**
- 2. Council request the future review of the Municipal Heritage Inventory:**
 - Note the removal of the Moberup Pioneer Memorial Hall (Place No 30); and**
 - Include consideration of a program of erecting commemorative plaques to recognize local heritage places.**

COUNCIL DECISION

/14 Moved Cr

, seconded Cr

CARRIED/LOST

/

Place No 30/Mobrup Pioneer Memorial Hall/Page 1

SHIRE OF KOJONUP

**MUNICIPAL HERITAGE INVENTORY
PLACE RECORD FORM**

LGA Place No: 30

Mobrup Pioneer Memorial Hall

Photograph of the place



LOCATION	
HCWA Reference Number	
Other Reference Number	
Name of Place	Mobrup Pioneer Memorial Hall
Other Name (1)	Mobrup Hall
Location/Address	
Street Number and Name	Mobrup Rd
Suburb/Town	Mobrup
Other Locational Descriptor	
Local Government Authority	Shire of Kojonup
Map References	

Place No 30/Mobrup Pioneer Memorial Hall/Page 2

OWNERSHIP & LAND DESCRIPTION				
<i>Owner</i>	<i>Address</i>	<i>Phone/fax</i>	<i>Status</i>	<i>No.</i>
Mobrup Hall Committee	c/o R Lucev, RMB 335, Kojonup	098 337518		
<i>Land Description</i>				
<i>Reserve No.</i>	<i>Lot/Location No.</i>	<i>Plan/Diagram</i>	<i>Val/Eolio</i>	<i>No.</i>

DESCRIPTION

<i>Construction Date (1)</i>	Officially opened 23 May 1959			
<i>Source/Details</i>				
<i>Site Type</i>	Hall			
<i>Use(s) of Place</i>				
<i>Original</i>	Community Hall			
<i>Present</i>	Community Hall			
<i>Other</i>				
<i>Architect/Designer (1)</i>				
<i>Other Associated Persons (1)</i>				
<i>Construction Materials</i>				
<i>Walls</i>	Corrugated iron			
<i>Roof</i>	Corrugated iron			
<i>Other</i>				
<i>Modifications</i>				
<i>Condition</i>	Fair			
<i>Integrity (how much of the original fabric is intact?)</i>	Most			
<i>Description</i>				
<p>The Mobrup Hall is situated in a natural bush setting on the Mobrup Road approximately 8 km from the Frankland Road turnoff. A large gravel carpark provides room for plenty of vehicles. The unpainted corrugated iron building, with timber framed windows, is built on wooden stumps. Two lone pencil pines grow at one end by the porch which protects one of the entries. The interior walls and ceilings are lined and painted and the floors are timber. Kitchen facilities are at the south end and water is provided by rain water tanks. A simple ablution block is situated at the rear of the building.</p>				

SIGNIFICANCE

<i>Historic theme (s)</i>	Community effort	
<i>Subtheme (s)</i>	Community facilities	
<i>Statement of Significance</i>		
<p>The building has historical and social significance. The money for the building was bequeathed by Mr Roy Foxwell (date unknown). The Mobrup Hall has provided a community facility for the surrounding district for many years. It has been used for church services and Sunday School, Polo Crosse meetings, dances, Red Cross gatherings, badminton. Close to the hall were four tennis courts, built in the 1950s. The hall is used less often now, one use being for weekly aerobics classes and the tennis courts no longer exist. The hall is managed by the Mobrup Hall Committee.</p>		
<i>Management Category</i>		

Place No 30/Mohrup Pioneer Memorial Hall/Page 3

OTHER

Supporting Information	
Oral history	
Listing and Assessment	
<i>Assessor (s) Name</i>	<i>Assessor (s) Address/Phone</i>
Community Committee	c/o Shire of Kojonup Ph: (098) 31 1066
State Register of Heritage Places (Y/N)	N
Classified by the National Trust (Y/N)	N
Register of the National Estate (Y/N)	N
Local Town Planning Scheme (Y/N)	

13 EXECUTIVE & GOVERNANCE REPORTS**13.1 DEPARTMENT OF COMMERCE (CONSUMER PROTECTION) RE: KOJONUP LANDCARE INC.**

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Monday, 7 April 2014
FILE NO: GS.PRG.7
ATTACHMENT: 13.1 Letter from the Department of Commerce – Consumer Protection

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to provide Council a status report on information requested by the Department of Commerce (Consumer Protection) in relation to approximately \$100,000 remaining in a Bank West Term Deposit and BankWest Cheque Account under the name of the Kojonup Land Conservation District Committee despite the Kojonup LandCare Inc. being cancelled by Consumer Protection on 20 February 2006 under section 35 of the Associations Incorporation Act 1987.

BACKGROUND

Upon my arrival I noticed a tray in the back of my office overflowing with letters from the Australian Taxation Office regarding Business Activity Statement lodgement requests and BankWest Certificate of Investment notifications dating back to 2008. Advice from staff indicated that the previous CEO had expressly requested all correspondence regarding Kojonup LandCare be dealt with by him.

Since September 2012 (when the previous CEO left Council employment) the correspondence was placed in the tray to effectively gather dust.

COMMENT

Correspondence from Consumer Protection dated 13 February 2014 verified that the Kojonup LandCare Inc. (the Association) was cancelled in February 2006 however pursuant to section 36 of the Associations Incorporation Act 1987, upon cancellation, any assets in the name of the Association will vest with the Commissioner for Consumer Protection who will then arrange for the distribution of those assets in accordance with the provisions of the Act.

The Department also advised that the previous CEO in 2012 provided information to Consumer Protection suggesting that the Association had cash assets however no action was taken to recover these funds at the time. Consumer Protection is seeking information to confirm whether these funds do in fact belong to the Association and the current status of the BankWest Accounts.

Through the efforts of the Senior Finance Officer, names of bank signatories for the Term Deposit and Cheque Account were obtained and contact was made with Graeme Blacklock.

Mr Blacklock then met with Cr Sexton, CEO and Senior Finance Officer on 19 March 2014 to provide background on the Association and the reasons for retaining the funds in the BankWest Accounts rather than handing them over to Council.

It was agreed that another meeting be held with past committee members to seek agreement on prioritised LandCare type projects as well as leveraging additional funding opportunities from the funds already vested in the BankWest Accounts. A meeting was conducted at the Reception Lounge on Monday 7 April 2014 at 1.00pm with the following attendees:

Shire President, Deputy Shire President, Manager of Works and Services, Senior Finance Officer, Graeme Blacklock, Kath Mathwin, Jen Warburton and CEO.

Past members of the Association provided background on LandCare and the many projects undertaken over a decade ago that directly assisted farmers and the environment.

All prior LandCare grants had been acquitted and the balance funds were derived from Special Events such as those conducted by the Soils Group. There was also discussion on the apprehension of the Group to hand funds over in 2006. Control on where the funds would be best allocated was about trust which at the time was not two way in the view of some of the LandCare members. Hence, no further action for the past 8 years.

Cr Sexton emphasised that whatever way the LandCare Group funds are used they should be in targeted areas that grants can be leveraged from as this approach would maximise funds available and projects undertaken for our community.

The CEO advised that the Community Strategic Plan 2013-17 specifically supported natural resource management (NRM) and it was important to develop a strategic approach that was not totally dependent on state and commonwealth funding as weeds, erosion, salinity, soil conditioning, invasive species etc. occurred regardless.

Council and the community had to be proactive in identifying and then sourcing funds that had the highest priority not only within the Shire but within respective catchments. Southern DIRT was meeting a recognised need but the organisation could not be expected to be all things to everyone!

The Noongar people of Kojonup also had a vital contribution to make regarding sustainable natural resource management practices within reserves etc. which ideally would result in job opportunities. Responsibility to be effective land managers, water conservationists, enhance natural resources and reduce waste is not limited to a few as every aspect of life impacts on future generations.

Attendees agreed regardless of the balance funds it was now timely to revisit NRM strategies for the Shire as there has been an extensive amount of work previously undertaken that should not be forgotten and is still very relevant.

It was agreed that the LandCare funds be transferred to the Shire of Kojonup conditional upon the following:-

1. The funds are placed in a NRM Reserve Account for use on LandCare/NRM projects only.
2. The NRM Reserve Fund have a minimum balance of \$50,000 in order to have a cash component immediately available to leverage other grants towards agreed projects.
3. That Council endeavour to allocate a minimum of \$20,000 per annum towards NRM projects which are prioritized in accordance with the Annual Budget following consultation with NRM/LandCare Groups.
4. That \$20,000 be allocated from the NRM Reserve Account specifically for Bridal Creeper eradication and incorporated into Councils weed spraying program for 2014/2015.
5. The managing of water resources in the Shire for the use of all citizens is ranked as a high priority in 2014/2015.
6. That Council establish a NRM Committee to advise Council on NRM matters and projects that should be promoted or pursued.
7. The NRM Committee to meet quarterly to develop strategy, provide advice and assess/develop key performance indicators for identified projects.
8. The Department of Commerce (Consumer Protection) is advised of the above actions.

CONSULTATION

As outlined in comments.

STATUTORY REQUIREMENTS

Associations Incorporation Act 1987

Australian Government: Department of Agriculture and Department of the Environment
(Natural Resource Management – Caring for our Country)

(National Landcare Programme)

State NRM Office –State Sustainability Strategy 2003

POLICY IMPLICATIONS

Local government corporate, strategic and operational planning directs councils' operations for the medium term towards achieving the community vision. Strategic planning provides council with a process to identify the key local natural resource management issues, how to integrate into council plans and implement actions to address these key challenges.

NRM is central to good land use planning and local government planning schemes are a key vehicle for implementing planning policy. A planning scheme is a statutory mechanism that can regulate the location, form and impacts of new developments and manage those impacts on the natural environment.

FINANCIAL IMPLICATIONS

Minimum annual allocation of \$20,000 and dedicated part-time NRM officer to facilitate/coordinate projects, planning, strategy and source funding to be considered as part of CEO organizational restructure review which is to be completed by 30 June 2014.

STRATEGIC IMPLICATIONS

Shire of Kojonup – Planning Scheme Review

Draft Corporate Business Plan 2013-17

Strategy 1.2.2.1 – Support NRM by funding locally based organizations.

Strategy 1.2.2.2 – Develop environmental management plans for significant Shire reserves.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That the balance LandCare funds presently in BankWest Accounts are transferred to the Shire of Kojonup conditional upon the following:-

- 1. The funds are placed in a NRM Reserve Account for use on LandCare/NRM projects only.**
- 2. The NRM Reserve Fund have a minimum balance of \$50,000 in order to have a cash component immediately available to leverage other grants towards agreed projects.**
- 3. That Council endeavour to allocate a minimum of \$20,000 per annum towards NRM projects which are prioritized in accordance with the Annual Budget following consultation with NRM/LandCare Groups.**
- 4. That \$20,000 be allocated from the NRM Reserve Account specifically for Bridal Creeper eradication and incorporated into Councils weed spraying program for 2014/2015.**
- 5. The managing of water resources in the Shire for the use of all citizens is ranked as a high priority in 2014/2015.**
- 6. That Council establish a NRM Committee to advise Council on NRM matters and projects that should be promoted or pursued.**
- 7. The NRM Committee to meet quarterly to develop strategy, provide advice and assess/develop key performance indicators for identified projects.**
- 8. The Department of Commerce (Consumer Protection) is advised of the above actions.**
- 9. A dedicated part-time NRM officer to facilitate/coordinate projects, planning, strategy and source funding to be considered as part of CEO organizational restructure review which is to be completed by 30 June 2014.**

COUNCIL DECISION

/14 Moved Cr , seconded Cr

CARRIED/LOST /



18 FEB 2014

ICR15291

Government of Western Australia
Department of Commerce**Consumer Protection**

SHIRE OF KOJONUP				
FILE:	G.S. PRG-7			
CEO ✓	EC or HC	NEA	MCS ✓	MCCI
RGR	SFO	YWA	CDPO	PB
NESA	SHIA	PLAN		

Our Ref: A1007192N, CP0608/2006

13 February 2014

Enquiries: Elizabeth Prouse
9282 5632Mr Rick Mitchell-Collins
Chief Executive Officer
Shire of Kojonup
PO Box 163
KOJONUP WA 6395

Dear Mr Mitchell-Collins,

**ASSOCIATIONS INCORPORATION ACT (1987) (WA)
Kojonup Landcare Inc (Cancelled)**

I am writing regarding Kojonup Landcare Inc (the Association) which was cancelled by Consumer Protection on 20 February 2006 under section 35 of the *Associations Incorporation Act 1987* (the Act).

Pursuant to section 36 of the Act, upon cancellation, any assets in the name of the Association will vest with the Commissioner for Consumer Protection who will then arrange for the distribution of those assets in accordance with the provisions of the Act.

In 2012 Mr Stephen Gash, CEO, provided information to Consumer Protection suggesting that the Association had cash assets however no action was taken to recover these funds at the time. It is understood that Mr Gash is no longer employed by the Shire.

Information regarding Bankwest Accounts

The information received suggested that funds for the Association were being held in 2 Bankwest accounts. Copies of the bank statements provided have been enclosed for your information. It has been noted that:

- The postal address for these accounts is c/o Kojonup Shire; and
- The accounts are in the name of Kojonup Land Conservation Dist Comm

Consumer Protection is seeking information to confirm whether these funds do in fact belong to the Association and the current status of these accounts. Accordingly it would be appreciated if the Shire could provide any information it may have regarding this matter, including:

- copies of any recent bank statements related to the accounts;
- any known information regarding the signatories for the accounts; and
- any information to demonstrate whether the Kojonup Land Conservation Dist Comm and the Association were the same organisation.

- 2 -

It would be appreciated if you could provide this information to me by **Thursday 6 March 2014** either by post to Locked Bag 14 Cloisters Square WA 6850 or by email to elizabeth.prouse@commerce.wa.gov.au. Please do not hesitate to contact me on telephone (08) 9282 5632 if there are any questions.

Thank you for your assistance in resolving this matter.

Yours sincerely



Elizabeth Prouse
Senior Liaison & Compliance Officer
Associations & Charities

14.2 KODJA PLACE ADVISORY COMMITTEE (KPAC) RECOMMENDATION REGARDING A NEW MANAGEMENT STRUCTURE

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Tuesday, 8 April 2014
FILE NO: GO.CNM.9
ATTACHMENT: Nil

DECLARATION OF INTEREST

Cr John Benn as Chairman of Kojonup Tourist Association.

SUMMARY

The purpose of this report is to consider the following resolution passed by the KPAC at its meeting held 3 April 2014.

COMMITTEE DECISION

KP2/14 That the Kodja Place Advisory Committee (KPAC) request the Shire of Kojonup to:-

- 1) Implement a new Management Structure for Kodja Place by Council assuming full control of the Kodja Place Precinct (KPP) with operational aspects being the responsibility of the CEO and strategic aspects being the responsibility of Council.**
- 2) The structure to include the appointment of a Kodja Place Precinct Manager who will report directly to the CEO.**
- 3) Establish a new Management Committee consisting of no more than 7 members who possess skills and capabilities required to effectively govern the Kodja Place Precinct and work with Council in establishing an integrated planning and reporting process.**
- 4) One of the seven Management Committee positions to be expressly for Noongar representation.**
- 5) Noongar operational input to be directly via the CEO.**
- 6) CEO, Kodja Place Precinct Manager and Senior Management Team will liaise with existing users/staff to ensure intellectual knowledge is retained allowing a smooth transition to the new management structure as soon as practicable.**

CARRIED

BACKGROUND

Council at its meeting held 19 March 2013 agreed to establish the Kodja Place Advisory Committee (KPAC).

KPAC is established under s5.8 of the Local Government Act 1995 and is an immediate extension of the Council. Each meeting shall be called, conducted and recorded in accordance with the Act with formal minutes of meetings presented to Council and all recommendations considered through a written report.

The following Terms of Reference and membership apply to the present KPAC:-

Terms of Reference

To advise the Council on the following requirements at The Kodja Place:

- Prioritisation of capital works within the Shire of Kojonup budget allocation;
- Consider the current purpose and future planning of the precinct;
- The requirements of individual stakeholders within the precinct;
- Improve stakeholder communication;
- Identification of opportunities and improvements to current operations; and

- Methods to integrate all aspects of the precinct into one seamless customer experience and a singular attraction.

COMMENT

The KPAC recommendation requesting Council to implement a new Management Structure captures the intent of the committee's above terms of reference as ultimately ownership, strategic management, forward planning, accountability, performance measures, asset management, governance, improved stakeholder communication and requirements necessitates a new approach rather than more of the same.

Council and the community should appreciate the efforts of the Kojonup Tourist Association, Kojonup Aboriginal Corporation, Kodja Place Community Fund Inc. and hardworking volunteers as without their collective contributions and efforts Kodja Place would not have its doors open 364 days a year. I personally wish to thank people such as Glenys Russell, John Benn and their team for devoting many hours to this community asset.

No doubt there are many others in the community that have provided photographs and items that now form an integral part of the Story place displays which future generations will enjoy.

If Council ratifies the KPAC recommendation and implements a new Management Structure it will be a new era providing new opportunities and challenges to cement the Kodja Place Precinct as an iconic attraction with links to the Main Street Renewal Strategy and Development Plan.

It is hoped that the intellectual knowledge of Glenys and John will be shared with the new Manager as it will provide a fantastic launch pad for renewal of the precinct.

There is a tremendous amount of work involved to implement a new structure to ensure the following essential priorities are addressed:-

- Improved Strategic Planning,
- Increase Noongar presence and involvement including traineeships/employment opportunities,
- Extensive Cost/Benefit Analysis between existing and potential uses,
- Increase resource allocations such as IT upgrade in order to remain current and interactive,
- Forward maintenance and capital works programs,
- Reinvigorate Marketing, Promotion, Events Management & Planning, accessioning, displays etc.
- Training, skills development and succession planning,
- Clearly established processes, systems, procedures that eliminate duplication,
- Effective governance namely:-
 - 1) Lay solid foundations for management and oversight,
 - 2) Structure Management Committee to add value,
 - 3) Act ethically and responsibly,
 - 4) Safeguard integrity in reporting,
 - 5) Make timely and balanced disclosure,
 - 6) Respect the rights of stakeholders,
 - 7) Recognise and manage risk,
 - 8) Remunerate fairly and responsibly.


The collective effort of Council, Management and staff, existing users and volunteers will be required including external expertise engaged on an "as required basis" for example reviewing floor layout of the Café and Information Centre. As part of the 2014/2015 budget process provision will be made to progress the above actions for Council consideration.

Changes at Kodja Place are not dissimilar to changes implemented at Springhaven and the appointment of a new manager will be paramount to the successful transition to the new model.

CONSULTATION

Kodja Place Advisory Committee
 Council Briefing Sessions
 Main Street Community and Business Workshops

STATUTORY REQUIREMENTS**Accredited Visitor Centres**

Accredited visitor centres are branded with the italic 'i'.  The symbol is used in a wide range of tourism, travel and general interest advertisement and promotional materials to demonstrate that the visitor centre is accredited.

Tourism WA's Accreditation Policy was announced in 2007 to encourage a greater number of tourism businesses to become accredited, thereby improving the quality of visitor experiences.

The policy went into full effect on 1 July 2010 when all tourism businesses that provide accommodation, attractions, tour, hire or transport must be accredited to Australian Tourism Accreditation Standards (or higher) to benefit from Tourism WA's marketing investment for Western Australia as a holiday destination.

Tourism accreditation is based on quality assurance principles, designed to enhance tourism businesses while also improving industry standards.

Tourism accreditation provides consumers with the confidence to make informed choices about the legitimacy and quality of a tourism product.

Benefits of accreditation for tourism operators can include:

- An improved reputation in the tourism market place,
- Greater customer satisfaction and confidence which leads to repeat business,
- More effective management and improved employee morale,
- A competitive advantage over non-accredited operators,
- Improved profitability through the implementation of better operating systems,
- Ability to display the relevant accreditation program's logo on all promotional and marketing material.

Compliance with Food Act 2008 and Food Regulations 2009.**Compliance with Museum Act 1969, Copyright Act 1968, Health (Public Buildings) Regulations 1992, Occupational Safety & Health Act 1984, Local Government Act 1995****POLICY IMPLICATIONS**

MOU – Provision of Visitor Servicing and Support of Tourism – Termination in accordance with Clause 7 between the Shire of Kojonup and Kojonup Tourist Association Inc. Alternatively amendment to the existing MOU to reflect the new Management Model.

FINANCIAL IMPLICATIONS

CEO and Senior Management will prepare specific budget forecasts required for the 2014/2015 financial year together with a forward 5 year plan for Council consideration.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-23 Focus Area 1.5 "Staying Active & Entertained"

Draft Corporate Business Plan

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

1.1.4 Maintain robust systems and controls

1.3.3.1 Promote opportunities for traineeships and apprenticeships within local government

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

1.5.1.2 Promote Kojonup as a place to visit – Tourism

1.5.1.3 Promote Kojonup as a place to live

1.5.1.4 Preserve and promote our history and culture

1.7.1.2 Undertake a study to identify the opportunities to enhance the main street, taking into consideration current and future uses

1.8.1.4 Support local tourism initiatives and the Kojonup Tourism Association

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Shire of Kojonup:-

- 1) **Implement a new Management Structure commencing 1 July 2014 for Kodja Place by Council assuming full control of the Kodja Place Precinct (KPP) with operational aspects being the responsibility of the CEO and strategic aspects being the responsibility of Council.**
- 2) **The structure to include the appointment of a Kodja Place Precinct Manager who will report directly to the CEO.**
- 3) **Establish a new Management Committee consisting of no more than 7 members who possess skills and capabilities required to effectively govern the Kodja Place Precinct and work with Council in establishing an integrated planning and reporting process.**
- 4) **One of the seven Management Committee positions to be expressly for Noongar representation.**
- 5) **Noongar operational input to be directly via the CEO.**
- 6) **The CEO, Kodja Place Precinct Manager and Senior Management Team will liaise with existing users/staff to ensure intellectual knowledge is retained allowing a smooth transition to the new management structure as soon as practicable.**
- 7) **The MOU between Council and the Kojonup Tourist Association be amended to reflect the new structure.**
- 8) **Key Result Areas for 2014/2015 to include:-**
 - **Improved Strategic Planning,**
 - **Increase Noongar presence and involvement including traineeships/employment opportunities,**
 - **Extensive Cost/Benefit Analysis between existing and potential uses,**
 - **Increase resource allocations such as IT upgrade in order to remain current and interactive,**
 - **Forward maintenance and capital works programs,**
 - **Reinvigorate Marketing, Promotion, Events Management & Planning, accessioning, displays etc.**
 - **Training, skills development and succession planning,**
 - **Clearly established processes, systems, procedures that eliminate duplication,**
 - **Effective governance namely:-**
 - 1) **Lay solid foundations for management and oversight,**
 - 2) **Structure Management Committee to add value,**
 - 3) **Act ethically and responsibly,**
 - 4) **Safeguard integrity in reporting,**
 - 5) **Make timely and balanced disclosure,**
 - 6) **Respect the rights of stakeholders,**
 - 7) **Recognise and manage risk,**
 - 8) **Remunerate fairly and responsibly.**

COUNCIL DECISION

/14 Moved Cr

, seconded Cr

CARRIED/LOST

/

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**15.1 NOTICE OF MOTION – CR RONNIE FLEAY****CEO COMMENT**

A notice of motion has been received from Cr Fleay following a presentation by Cr Jill Mathwin at the Council Briefing Session held 4 March 2014 regarding the Australian Local Government Women's Association Western Australia Branch encouraging Council to support more women in Local Government. Cr Mathwin attended a Staff Meeting on 5 March 2014 outlining the Branch aims and activities namely:-

Aims

- To promote Local Government by furthering women's knowledge and understanding of its function.
- To watch over and protect the interests and rights of all women in Local Government, both elected members and employees.
- To take action in relation to any subject or activity affecting Local Government and Local Government legislation.
- To act in an advisory capacity to intending women candidates for Local Government election.
- To encourage and support women to make a career as an officer of Local Government.

Activities

- Act as an information base for women in Local Government, including a newsletter and other publications.
- Hold seminars and workshops on issues of interest to Local Government.
- Run a Mentor Network.
- Speak to schools and community groups about careers for women in Local Government – both as councillors and employees.
- Arrange networking and support for women in Local Government.

Ordinary membership is \$40 per annum and Cr Mathwin is keen to organise a country session in Kojonup around September/October 2014 as a majority of the existing seminars and workshops are city based.

Cr Fleay believes the Shire of Kojonup should encourage women councillors and employees to become ordinary members by way of paying the \$40 annual membership fee. Councils support would complement our corporate aim of continuous professional development for women Councillors and staff.

MOTION

That Council allocate \$400 per annum in its Training & Education Budget specifically towards the Shire of Kojonup women Councillor and Council employees ordinary membership fees to the Australian Local Government Women's Association Western Australian Branch.

COUNCIL DECISION

/14 Moved Cr Fleay, seconded Cr

CARRIED/LOST /

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

17 CONFIDENTIAL REPORTS

17.1 LEASE OF A SECTION OF KOJONUP SHIRE WORKS DEPOT BY CGS ENGINEERS AS A LAYDOWN AREA

17.2 CEO – PROBATIONARY PERFORMANCE REVIEW

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Friday, 4 April 2014
FILE NO: CP.LEA.1 & Personnel File
ATTACHMENT: [17.1 Confidential Report](#)
[17.2 Confidential Report](#)

SUMMARY

The purpose of this report is to ascertain if Council is prepared to lease a securely fenced section of the Kojonup Shire Work Depot with access from Bilston Street to CGS Engineers for use as a laydown area.

The purpose of this report is to consider the CEO Probationary Performance Review.

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

OFFICER RECOMMENDATION

That the meeting be closed to the public 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.**

COUNCIL DECISION

/14 Moved Cr

, seconded Cr

CARRIED/LOST

/

18 **NEXT MEETING**

Tuesday, 20th May 2014 commencing at 3:00pm.

19 **CLOSURE**

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

20 **ATTACHMENTS (SEPARATE)**

- Item 10.1 Monthly Statement of Financial Activity
- Item 10.2 Monthly Payment Listing 1/3/2014 – 31/3/2014
- Item 10.3 2013/2014 Budget Review
- Item 14.1 Unconfirmed Kodja Place Advisory Committee Minutes – Thursday 3rd April 2014
- Item 17.1 Confidential Report
- Item 17.2 Confidential Report