

SHIRE OF KOJONUP



Council Minutes

16th September 2008

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SHIRE OF KOJONUP**MINUTES****1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS**

The Shire President declared the meeting open at 3.00pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points and draw the meetings attention to the disclaimer below:

Disclaimer

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

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

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

2 ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

| | |
|--------------------------|------------------------|
| Cr Jill Mathwin | Shire President |
| Cr Jane Trethowan | Deputy Shire President |
| Cr Michael Baulch | |
| Cr John Benn | |
| Cr Will Carrington-Jones | |
| Cr Ernie Graham | |
| Cr Rosie Hewson | |
| Cr Greg Marsh | |
| Cr Frank Pritchard | |

| | |
|----------------------|-------------------------------|
| Mr Stephen Gash | Chief Executive Officer |
| Mr Kim Dolzadelli | Manager of Corporate Services |
| Mrs Heather Marland | Senior Finance Officer |
| Mrs Rosemary Cussons | Executive Support Officer |

APOLOGIES

3 PUBLIC QUESTION TIME

Nil

4 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES

ORDINARY MEETING – 19th August 2008

Corrections: Nil

COUNCIL DECISION

240/08 MOVED Cr Benn seconded Cr Pritchard that the Minutes of the Ordinary Meeting of Council held on 19th August 2008 be confirmed as a true record.

CARRIED**9/0****7 ANNOUNCEMENTS by the Presiding Member without discussion**

The Presiding Member has recently attended the:

- a) WAAMI councillor workshop
- b) Environment and Waste Workshop in Albany
- c) Voluntary Organisation of Regional Councils
- d) Systemic Sustainability Study Forum

The Presiding Member informed Council that arrangements for the WA ALGWA event scheduled for 26th September is progressing.

The Presiding Member thanked Mrs Rosemary Cussons for her work as Minute Taker for Council meetings over the last 3 years.

8 PETITIONS, DEPUTATIONS & PRESENTATIONS

Nil

9 DECLARATIONS OF INTEREST

Item 12.1 Cr Mathwin declared an Impartiality Interest due to family relationship

Item 13.5 Cr Benn declared an Impartiality Interest as he is the Chairman of the Kojonup Tourist Association

10 FINANCE REPORTS**10.1 FINANCIAL MANAGEMENT – Monthly Statement of Financial Activity**

AUTHOR: Kim Dolzadelli – Manager Corporate Services

DATE: Monday, 8 September 2008

FILE NO: 06.15.01

ATTACHMENTS: 10.1.1 Monthly Statement of Financial Activity 1st July to 31st July 2008

10.1.2 Monthly Statement of Financial Activity 1st July to 31st August 2008

DECLARATION OF INTEREST

Nil

SUMMARY

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

BACKGROUND

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

COMMENTS

The attached Statement of Financial Activity for the period 1st July 2008 to 31st July 2008 and 1st July 2008 to 31st August 2008 show a solid position with 79.05% of rates collected and a total amount of cash holdings of \$4,676,771 of which \$1,649,118 is held in fully cash backed Reserves as at 31st August 2008.

Cash holdings will continue to be managed to maximise investment return, with the level of interest earnings expected to meet budget expectations.

The 1st quarterly payment of Financial Assistance Grants in the amount of \$254,058 was received on 21st August 2008 along with notification that the total amount allocated for the Shire of Kojonup has been increased from \$1,007,696 to \$1,016,231, an increase of \$8,535.

It should be noted that Depreciation has not yet been updated for the 2008/09 financial year, this non cash item will be updated after the completion of the 2007/08 final audit which is set down for October 2008.

CONSULTATION

None necessary

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

None applicable

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This will only occur where it involves variations to the multiple year proposals previously put forward. Impacts to the "Closing Balance" position will also occur or where a Budget Review highlights the requirement for amendments to occur.

VOTING REQUIREMENTS – SIMPLE MAJORITY

OFFICER RECOMMENDATION

That the Monthly Statements of Financial Activity from 1st July to 31st July 2008 (attachment 10.1.1), and from 1st July to 31st August 2008 (attachment 10.1.2), be accepted.

COUNCIL DECISION

241/08 **MOVED Cr Marsh seconded Cr Graham that the Monthly Statements of Financial Activity from 1st July to 31st July 2008 (attachment 10.1.1), and from 1st July to 31st August 2008 (attachment 10.1.2), be accepted.**

CARRIED

9/0

3.04pm Mrs Heather Marland entered the Chamber

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Finance Officer
DATE: 9th September 2008
FILE NO: 06.15.01
ATTACHMENT: Monthly Payment Listing

DECLARATION OF INTEREST

Nil

SUMMARY

To receive a list of payments made since the last similar list was received.

BACKGROUND

Not applicable.

COMMENT

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

CONSULTATION

No consultation was required.

STATUTORY ENVIRONMENT

Regulations 13 (2) of the Local Government (Financial Management Regulations) 1996 requires such a list to be “presented” whenever payments have been made under a delegated authority. (Reference Delegation #18).

POLICY IMPLICATIONS

Council’s Policy F3 provides authorities and restrictions relative to purchasing commitments.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

VOTING REQUIREMENTS – Simple Majority**OFFICER RECOMMENDATION**

That the Payment Listing from 08/08/2008 to 09/09/08 comprising of Municipal Cheques 9883 to 9939, EFTs 3562 to 3649 and Internal Payment Vouchers 1537 to 1571 totalling \$621,688.36 and as attached to this agenda, be received.

COUNCIL DECISION

242/08 **MOVED** Cr Hewson seconded Cr Baulch that the Payment Listing from 08/08/2008 to 09/09/08 comprising of Municipal Cheques 9883 to 9939, EFTs 3562 to 3649 and Internal Payment Vouchers 1537 to 1571 totalling \$621,688.36 and as attached to this agenda, be received.

CARRIED

9/0

3.11pm Mrs Heather Marland left the Chamber

11 ENGINEERING & WORKS REPORTS**12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS**

The Presiding Member, Cr Jill Mathwin declared an impartiality interest in Item 12.1 and vacated the chair.

3.11pm Cr Mathwin left the Chamber.

The Deputy President, Cr Jane Trethowan took the chair and presided over the meeting.

12.1 SUBDIVISION APPLICATION No. 138275 - LOTS 4723, 4724 & 7737 CHANGERUP SOUTH ROAD, CHANGERUP.

AUTHOR: Phil Shephard – Town Planner
DATE: 28 August 2008
FILE NO: 14.06.01
APPLICANT: Harley Survey Group
OWNER: JA Mathwin
ATTACHMENTS: Plan of Subdivision

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider a proposal to amalgamate and resubdivide the above properties into 3 lots as shown on the plan of subdivision.

It is recommended that the application be supported.

BACKGROUND

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

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

COMMENT

The applicant's have advised that the purpose of the subdivision is to improve farm management through boundary realignment, give all lots legal road frontage and increase the minimum lot size to 100ha's.

Under Council's adopted Town Planning Scheme Policy No. 11 'Applications for Subdivision' the requirements for subdivisions in rural areas are:

- Lot size is no smaller than prevailing in the vicinity (and greater than 2ha), and
- That each lot has a well made developed road access to it.

The proposed amalgamation and resubdivision is consistent with the Shire's adopted Town Planning Scheme Policy requirements and the WA Planning Commission has been advised that Council supports the application.

CONSULTATION

There has been no consultation on this matter.

STATUTORY ENVIRONMENT

The land is zoned Rural under Town Planning Scheme No. 3.

The objectives for the rural zone are as follows:

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

The proposal is considered consistent with these objectives.

POLICY IMPLICATIONS

The proposal complies with Town Planning Scheme Policy No. 11 'Applications for Subdivision'.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications relating to the proposal.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council advise the Western Australian Planning Commission that it supports the proposed amalgamation and resubdivision of Lots 4723, 4724 & 7737 Changerup South Road, Changerup into three (3) lots as proposed on WAPC File 138275 and request the following conditions be placed upon the approval:

All lots being provided with a vehicle crossover located, designed and constructed to the satisfaction of the Shire of Kojonup at the subdividers cost.

COUNCIL DECISION

| | | | |
|---------------|--|----------------|------------|
| 243/08 | MOVED Cr Benn seconded Cr Pritchard that Council advise the Western Australian Planning Commission that it supports the proposed amalgamation and resubdivision of Lots 4723, 4724 & 7737 Changerup South Road, Changerup into three (3) lots as proposed on WAPC File 138275 and request the following conditions be placed upon the approval: All lots being provided with a vehicle crossover located, designed and constructed to the satisfaction of the Shire of Kojonup at the subdividers cost. | CARRIED | 8/0 |
|---------------|--|----------------|------------|

3.22pm Cr Jill Mathwin returned to the Chamber

Cr Trethowan vacated the Chair and Cr Mathwin resumed the chair.

The Chief Executive Officer informed Cr Mathwin of the decision of Council pertaining to Item 12.1

12.2 PLANNING REQUEST – TEMPORARY GRAIN STORAGE

AUTHOR: Stephen Gash – Chief Executive Officer
 DATE: 11th September 2008
 FILE NO: 13.04.01
 APPLICANT: CBH
 OWNER: Shire of Kojonup
 ATTACHMENTS: Location Map

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider a request to allow temporary grain storage within the Kojonup Show Grounds reserve.

BACKGROUND

CBH have approached the Shire of Kojonup to assist them with the provision of temporary grain storage for the 2008/09 harvest. This is required to assist with the projected increase in grain received at the Kojonup site, but is also part of a strategy to allow adequate time to consider options for permanent relocation outside the town boundary.

COMMENT

The Show Ground area is vested in the Shire of Kojonup for the purpose of recreation. The Shire can approve any use that assists the purpose of the reserve or maintenance of the area.

The proposed improvements to road infrastructure (sealed road) for better access to the precinct and dust minimisation, result in the application having some justification by supporting the improved use of the recreation precinct. The temporary nature of the structure and seasonal use by CBH and stakeholders therefore allows Council to consider this request under its town planning scheme.

The area proposed is marked on the attached map but comprises the current car park area at the show ground and the previous MORAB horse yards. Minimal clearing is required and this is exempt revegetation within the disused horse yards. Once cleared, it will also provide increased capacity for future car park extension and manage the existing weed and public safety problem posed by the old yards.

The grain storage proposed is the open bulkhead type similar to the Northern aspect of the existing site. All structures proposed are temporary. There is no requirement for external power or water and open drains at the Northern and Eastern sides of the sealed surface will control surface water run off.

A building licence would be required as it is on Shire land. Planning consent should be conditional on successful negotiation of a lease for the area. Conditions required for the Shires agreement to a lease are:

- The entrance road and siding to the east (adjacent to the proposed area) to be sealed to an agreed standard
- The area for the proposed bulkheads and roads within the nominated area is sealed to an agreed standard
- All work to be at CBH's expense
- A building application is to be required
- Any potential dust or noise issues must be addressed to the satisfaction of the Shire's Environmental Health Officer
- Hours of operation to be agreed to minimise any possible noise impact on nearby neighbours.
- The term of lease can be for 2 years, as long as the bunkers disassembled during the show weekend.

Examination of the impact of nearby vegetation, prevailing wind direction, and buffer distances to the industrial area suggest there will be minimal risk of grain dust issues impacting on the public, compared to the current site. This will be further evaluated when the bulkhead layout is considered as part of the building licence, and discussion is held between CBH and the Shire's Environmental Health Officers.

Given the potential improvement to the Show ground site and the identified need for additional grain storage at Kojonup the Officers are recommending conditional support for the proposal. To ensure standardisation of conditions for the use of the site the officers are suggesting simultaneous / parallel consideration of the planning approval, building licence, lease conditions and environmental issues.

CONSULTATION

The P&A society committee for Kojonup have been consulted and are supportive if there are no implications on the scheduling of the annual show, and the outcome has a benefit of better access to the site.

The MORAB association are no longer active and the yards are in disrepair.

Adjacent landholders will be notified of the proposal in writing and given the opportunity to meet on site with Shire and CBH representatives when any environmental issues or possible conditions are discussed.

STATUTORY ENVIRONMENT

The land is zoned as a recreation reserve under Town Planning Scheme No. 3. The proposal is considered consistent with these objectives.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil. All costs to be worn by the applicant

STRATEGIC IMPLICATIONS

There are no strategic implications relating to the proposal.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council gives planning approval conditional upon:

- a) agreement on lease conditions
- b) requiring a building licence
- c) any potential noise and dust issues being addressed to the satisfaction of the Shire's Environmental Health Officer.

That Council authorise the Chief Executive Officer to negotiate, and execute a lease document for access to the site under the following conditions:

- a) there is no cost to Council
- b) the road, bin site, and side show area of the showgrounds are sealed to an agreed standard
- c) the use does not impinge on the annual show or recreation access
- d) a maximum term of 2 years, with the 2nd year only offered if agreement to dismantle the bunker to accommodate car parking at the show
- e) first option on undertaking the earthworks offered to the Shire or local contractor on a commercial basis
- f) the lease is tabled at the following Council meeting for noting.

COUNCIL DECISION**244/08****MOVED Cr Graham seconded Cr Pritchard**

That Council gives planning approval conditional upon:

- a) agreement on lease conditions**
- b) requiring a building licence**
- c) any potential noise and dust and pest issues being addressed to the satisfaction of the Shire's Environmental Health Officer.**

That Council authorise the Chief Executive Officer to negotiate, and execute a lease document for access to the site under the following conditions:

- a) there is no cost to Council**
- b) the road, bin site, and side show area of the showgrounds are sealed to an agreed standard**
- c) the use does not impinge on the annual show or recreation access**
- d) a maximum term of 2 years, with the 2nd year only offered if agreement to dismantle the bunker to accommodate car parking at the show**
- e) first option on undertaking the earthworks offered to the Shire or local contractor on a commercial basis**
- f) the lease is tabled at the following Council meeting for noting.**

CARRIED**9/0****REASON FOR CHANGE**

The word 'pest' was added to the first sentence marked 'c)' to now read:

- c) any potential noise and dust and pest issues being addressed to the satisfaction of the Shire's Environmental Health Officer.

as council believed that having grain stored at the proposed location could present undesirable pest problems. Crs Graham and Pritchard, who moved and seconded the motion, were in agreeance with the change.

13 CORPORATE & COMMUNITY SERVICES REPORTS**13.1 RECORD KEEPING PLAN and RECORDS MANAGEMENT POLICY**

AUTHOR: Stephen Gash – Chief Executive Officer
DATE: 9th September 2008
FILE NO: 01.07.01
ATTACHMENT: Records Management Policy

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the review of the Shire's Record Keeping Plan and consider an amended plan.
To adopt the Shire of Kojonup Records Management Policy

BACKGROUND

In 2004, the Shire of Kojonup developed a Record Keeping Plan (RKP) to comply with the State Records Act 2000 (the Act). This RKP was approved for a period of three years, and staff were advised that a review was required by November 2007.

The Shire conducted a review and identified several areas of non compliance. As this review identifies issues regarding security of records, relating to issues that may be the subject of legal action, the review is treated as confidential and not provided as an attachment. An extension was requested to consider the areas of non compliance and submit an amended RKP prior to 30 September 2008.

The purpose of a Government organisation's RKP, in accordance with the Act, is to set out the matters about which records are to be created by the organisation and how the organisation is to keep and maintain its records in the long term. RKPs are to provide an accurate reflection of the Record Keeping Program within the organisation, including information regarding the organisation's record keeping systems, disposal arrangements, policies, practices and processes.

COMMENT

It should be noted as a general comment that the requirements of the Act and changes in records management have required increasing levels of specialist knowledge and resources. The Shire of Kojonup has had to allocate additional resources for consultant advice, training, and the purchase of a record management system.

Although the record management system was ordered in July 2008, it was not possible for the company to install and provide the relevant training until October 2008. The file index and policies are currently under review to match the system change. However, these cannot be finalised and endorsed until the new system is in place.

The Shire verbally approached the State Records Office regarding the possibility of further extension given the delay in the installation of the record management system, but was advised this would not be considered given the time elapsed since the November 2007 deadline was advised.

The Shire is committed to the principles and requirements of the State Records Act but is also answerable to its ratepayers for appropriate use of ratepayer funds. It is not appropriate to spend significant resources on a plan that will be out of date and require complete review in less than 3 months. The draft RKP was workshopped by the Council in a briefing session and an amended RKP will be submitted to the Council at the December 2008 meeting to take into account the new system.

The Chief Executive Officer believes that the Director of State Records would support the extension, contrary to verbal advice from officers within that Department, if the situation was adequately explained and commitment to completion of the RKP demonstrated. The Chief Executive Officer therefore suggests forwarding the review of the current RKP, as a confidential report, to the Director of State Records to demonstrate the commitment to completing the process.

The confidentiality should be protected as the non compliance may also constitute breach of the State Records Act, requiring reporting to the Commission.

It is also recommended that an extension be requested in writing until 20 December 2008 to submit the amended RKP, given the delays in the implementation of the records management system, and that Council note the current deadline will not be met and they will be asked to consider the amended plan at the December 2008 Council meeting.

The Records Management Policy sets out the overarching principles that the Record Keeping Plan and other records management procedures such as; information statement, inwards mail policy, confidential mail policy, electronic mail policy etc will compliment.

CONSULTATION

No consultation was required.

STATUTORY ENVIRONMENT

State Records Act 2000.

State Records Standards and Principles 2002

POLICY IMPLICATIONS

The Record Keeping Plan provides the main policy and procedural guidance on record creation, access, security, retention, disposal, and compliance with the State Records Act.

FINANCIAL IMPLICATIONS

Specialist support and training for the implementation of the new records management system are included in the 2008/09 budget; however, there are inadequate funds to support two amendments to the RKP this year.

STRATEGIC IMPLICATIONS

Aligns with strategic objective 1.1.6 to “Improve recordkeeping practices”.

VOTING REQUIREMENTS – Simple Majority

OFFICER RECOMMENDATION

That Council

1. Note the non compliance with the State Records Office deadline for submission of the amended record keeping plan.
2. Support the record keeping plan being reviewed and submitted to the State Records Office by 20 December 2008.
3. Adopt the Records Management Policy as attached to this agenda

COUNCIL DECISION

245/08

MOVED Cr Trethowan seconded Cr Marsh that Council

1.Note the non compliance with the State Records Office deadline for submission of the amended record keeping plan.

2.Support the record keeping plan being reviewed and submitted to the State Records Office by 20 December 2008.

3.Adopt the Records Management Policy as attached to this agenda

CARRIED

9/0

13.2 INFORMATION STATEMENT

AUTHOR: Stephen Gash – Chief Executive Officer
 DATE: 9th September 2008
 FILE NO: 01.07.01
 ATTACHMENT: Information Statement

DECLARATION OF INTEREST

Nil

SUMMARY

To adopt the Shire of Kojonup's Information Statement.

BACKGROUND

Section 96(1) of the Freedom of Information Act (1992) requires each government agency, including local governments, to prepare and publish annually an Information Statement.

The Information Statement must set out:

- The Agency's Mission Statement
- Details of legislation administered.
- Details of the agency structure.
- Details of decision-making functions.
- Opportunities for public participation in the formulation of policy and performance of agency functions
- Documents held by the agency.
- The operation of FOI in the agency.

COMMENT

The Shire of Kojonup's Information Statement is attached to this agenda. The document complies with the requirements of the Freedom of Information Act, as outlined above.

A copy of the Information Statement will be forwarded to the Commissioner as required.

CONSULTATION

No consultation was required.

STATUTORY ENVIRONMENT

Freedom of Information Act 1992

POLICY IMPLICATIONS

The Information Statement is the Policy for access to information under the Freedom of Information Act, and is linked to the Records Management Policy and Record Keeping Plan.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Aligns with strategic objective 1.1.6 to "Improve recordkeeping practices".

VOTING REQUIREMENTS – Simple Majority

OFFICER RECOMMENDATION

That Council adopts the Information Statement as attached to the agenda

COUNCIL DECISION

246/08 **MOVED** Cr Trethowan seconded Cr Pritchard that Council adopts the Information Statement as attached to the agenda

CARRIED

9/0

13.3 ASSET MANAGEMENT POLICY

AUTHOR: Stephen Gash – Chief Executive Officer
DATE: 9th September 2008
FILE NO: 01.09.14
ATTACHMENT: Asset Management Policy
Terms of Reference – AMWG
Asset Improvement Plan

DECLARATION OF INTEREST

Nil

SUMMARY

To adopt the Shire of Kojonup's Asset Management Policy.

BACKGROUND

Effective asset management has been identified as a priority objective within the Shire of Kojonup's strategic planning process. An asset management policy is the first step in coordinating asset management across the organisation.

The Shire of Kojonup has commenced the Western Australian Asset Management Improvement program (WAAMI). The first visit and workshop was very helpful in guiding the required approach to asset management and determining policies, procedures, and information in place to guide the process towards an integrated strategic asset management system.

COMMENT

The Shire of Kojonup's draft asset management plan is attached to this agenda. This is the high level policy document to guide the asset management process and was developed after the first WAAMI visit.

An "asset management working group" (AMWG) has been formed to guide the Shire through the asset management process. The terms of reference are attached to the agenda.

The WAAMI program sets goals for the progress of each organisation towards an integrated asset management approach. To meet these objectives an asset management improvement plan has been developed. The improvement plan specifies actions required to address gaps or the required processes, and includes time frames for completion. This is attached to the agenda for the Councils information.

CONSULTATION

No consultation was required.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

This is the policy for Asset Management

FINANCIAL IMPLICATIONS

Nil. Asset Management is fully funded in the 2008/09 budget.

STRATEGIC IMPLICATIONS

Aligns with strategic objective 3.1.1 to "adopt an asset management policy"

VOTING REQUIREMENTS – Simple Majority

OFFICER RECOMMENDATION

That Council adopts the draft asset management policy as attached to the agenda

COUNCIL DECISION

247/08 **MOVED Cr Trethowan seconded Cr Marsh that Council adopts the Information Statement as attached to the agenda.**

CARRIED

9/0

13.4 DELEGATIONS REGISTER REVIEW

AUTHOR: Stephen Gash – Chief Executive Officer
 DATE: 10th September 2008
 FILE NO: 01.03.03
 ATTACHMENT: Delegations Register

DECLARATION OF INTEREST

Nil

SUMMARY

Council is being asked to review the Delegations Register.

BACKGROUND

The Council of the Shire of Kojonup has resolved to adopt and delegate the functions referred to within this Delegations Manual to the Chief Executive Officer.

Section 5.42, Local Government Act 1995 provides for the delegation of some powers and duties to CEO as follows:

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43. *Absolute majority required.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

The Council has delegated various functions to the Chief Executive Officer. In turn some of those delegations have been sub delegated to senior officers and these are shown in each delegation.

In addition certain functions empowered to the Chief Executive Officer by the Act have been also been sub delegated to senior officers.

COMMENTS

The Delegations Register is required to be periodically reviewed and the Register, approved by resolution 91/07 on 21 August 2007, is attached to the agenda. Review by Officers recommends no amendments as the delegations have operated adequately to support the functions and powers delegated by the Council. If adopted by Council the review date and resolution will be added to the bottom of each delegation and the Shire President will be required to sign the instrument of delegation.

CONSULTATION

Nil required

STATUTORY ENVIRONMENT

The Local Government Act 1995, sections 5.42, 5.43, 5.44, 5.45 and 5.46 and Regulation 19 of the of the Local Government (Administration) Regulations.

POLICY IMPLICATIONS

None applicable.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Aligns with the strategic objective of ensuring governance and capability.

VOTING REQUIREMENTS – ABSOLUTE MAJORITY**OFFICER RECOMMENDATION**

That the reviewed Delegations Register, as attached to the agenda, be adopted to expire 30 September 2009.

That the Shire President be authorised to sign the instruments of delegation.

COUNCIL DECISION

248/08 MOVED Cr Hewson seconded Cr Benn that the reviewed Delegations Register, as attached to the agenda, be adopted to expire 30 September 2009. That the Shire President be authorised to sign the instruments of delegation.

CARRIED BY AN ABSOLUTE MAJORITY

9/0

Cr John Benn declared an impartiality interest in Item 13.5 and read aloud the declaration.

13.5 TENANCY OF THE KOJONUP TOURIST ASSOCIATION AT THE KODJA PLACE

AUTHOR: Stephen Gash – Chief Executive Officer
DATE: 10th September 2008
FILE NO:
ATTACHMENT:

DECLARATION OF INTEREST

Nil

SUMMARY

To consider the conditions of tenancy for the Kojonup Tourist Association at The Kodja Place.

BACKGROUND

The Council resolved on 17 June 2008 to

“authorise the Chief Executive Officer to prepare a memorandum of understanding and lease to document the tenancy, funding agreement, and role of the Kojonup Tourist Association in providing visitor services and present the details to the next Council meeting.”

This resolution progresses the agreement required for the Kojonup Tourist Association to operate the Kojonup Visitors Centre at the current location in the Kodja Place. This includes the front counter, retail area and appropriate office and storage space.

The Kojonup Tourist Association were advised of the June 2008 Council meeting outcome and asked to nominate members on a committee to progress the nominations. Meetings were held with the negotiating committee on 7th July 2008 and 7th August 2008 and the full committee on 10th September 2008.

At the meeting on 7th July 2008, further time was requested to examine the staffing needs and verify the financial impact of the proposed cash contribution of \$50,726 pa, plus the waiving of rent and covering of non visitor centre facility costs by the Shire. This information was received on 4th August and discussed with the negotiating committee on 7th August 2008.

COMMENTS

After examining the issues it was agreed by both parties that a further \$15,000 recurring cash contribution was required to provide the level of service assumed in the costings presented in the report to Council when considering the governance options for the Kodja Place. This amount relates to relevant employment cost escalation and allows the Kojonup Tourist Association, as an

employer to safely manage any occupational safety and health risk, while still providing the agreed opening hours. The annual funding will be linked to CPI.

This additional operating contribution will be offset by other savings on staffing within the operational budget and would not have impacted on the choice of governance option. A budget amendment will be required for reallocation within the project but it will not effect the overall Shire budget performance.

After examining options for the structure / format of the agreement the Officer recommends utilising the model outlined in the visitor servicing tool kit for local government, as the basis of the memorandum of understanding. With modification this will link the funding and occupancy of the designated areas to agreed outputs, service and communication expectations in a single document.

The model agreement is attached to the agenda. It will also include modifications to the dispute resolution process to ensure there is a transparent and robust method for resolving issues.

The change over to the new operations is planned for 1 October 2008. The Shire has already put in place its staffing requirements and the Kojonup Tourist Association have given undertakings to secure their staffing arrangements. This will ensure the transition process is as smooth as possible.

With the required funding level, transition date, and staffing finalised, we are now finalising the specific operation requirements and final detail on communication plans and key performance indicators. The expected outcomes from the Council will be capture in a workshop and conveyed by the CEO through the existing negotiation process, but much of the operational issues will be required to be assessed at an officer level.

Given the time frame the Chief Executive Officer will finalise negotiation and documentation and circulate to Councillors by 22nd September 2008. The Council is requested to Consider delegating the power to approve and execute the agreement to the Shire President and Deputy Shire President on the following conditions:

- a) the consideration takes place at an internal review committee meeting on 25th September 2008, where discussions are fully minuted;
- b) the minutes document the feedback from individual Councillors to the Shire President or Deputy Shire President;
- c) there is no further impact on budget;
- d) the agreement is tabled at the next Council meeting to ensure it is a matter of public record.

CONSULTATION

Consultation with the Kojonup Tourist Association has been via the negotiation process.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

None applicable.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The finalisation of the governance issues at the Kodja Place has been documented as a key strategic objective of Council.

VOTING REQUIREMENTS – ABSOLUTE MAJORITY

OFFICER RECOMMENDATION

That Council approve a budget amendment to allocate a further \$15,000 cash to the 2008/09 contribution to the Kojonup Tourist Association for the operation of the Kojonup Visitors Centre, on the condition that it has no impact on the net position of the approved Shire budget for 2008/09

That the Shire President and Deputy Shire President be authorised to approve and execute the memorandum of understanding between the Shire of Kojonup and the Kojonup Tourist Association, to operate the Kojonup Visitors Centre at its current location in the Kodja Place on the following conditions:

- a) the consideration takes place at an internal review committee meeting on 25th September 2008, where discussions are fully minuted;
- b) the minutes document the feedback from individual Councillors to the Shire President or Deputy Shire President;
- c) there is no further impact on budget other than due to CPI adjustment;
- d) the agreement is tabled at the next Council meeting to ensure it is a matter of public record.

FORESHADOWED MOTION

Cr Pritchard foreshadowed that the Council Decision relating to Item 13.4 be decided in two motions as follows:

MOTION 1 That Council approve a budget amendment to allocate a further \$15,000 cash to the 2008/09 contribution to the Kojonup Tourist Association for the operation of the Kojonup Visitors Centre, on the condition that it has no impact on the net position of the approved Shire budget for 2008/09 other than due to CPI adjustment;

MOTION 2 That the Shire President and Deputy Shire President be authorised to approve and execute the memorandum of understanding between the Shire of Kojonup and the Kojonup Tourist Association, to operate the Kojonup Visitors Centre at its current location in the Kodja Place on the following conditions:

- a) the consideration takes place at an internal review committee meeting on 25th September 2008, where discussions are fully minuted;
- b) the minutes document the feedback from individual Councillors to the Shire President or Deputy Shire President;
- c) the agreement is tabled at the next Council meeting to ensure it is a matter of public record.

The original Officer's Recommendation was put to the meeting.

COUNCIL DECISION

/08 MOVED Cr Benn seconded Cr
That Council approve a budget amendment to allocate a further \$15,000 cash to the 2008/09 contribution to the Kojonup Tourist Association for the operation of the Kojonup Visitors Centre, on the condition that it has no impact on the net position of the approved Shire budget for 2008/09

That the Shire President and Deputy Shire President be authorised to approve and execute the memorandum of understanding between the Shire of Kojonup and the Kojonup Tourist Association, to operate the Kojonup Visitors Centre at its current location in the Kodja Place on the following conditions:

- a) the consideration takes place at an internal review committee meeting on 25th September 2008, where discussions are fully minuted;
- b) the minutes document the feedback from individual Councillors to the Shire President or Deputy Shire President;
- c) there is no further impact on budget other than due to CPI adjustment;
- d) the agreement is tabled at the next Council meeting to ensure it is a matter of public record.

CARRIED/LOST

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The motion lapsed as there was no seconder.

21 **ATTACHMENTS**

- Item 10.1.1 Monthly Statement of Financial Activity 1st July to 31st July 2008
- Item 10.1.2 Monthly Statement of Financial Activity 1st July to 31st August 2008
- Item 10.2 Monthly Payment Listing
- Item 12.1 Subdivision Application No 138275
- Item 12.2 Location Map
- Item 13.1 Records Management Policy
- Item 13.2 Information Statement
- Item 13.3 Asset Management Policy
 Asset Management Working Group Terms of Reference
 Asset Management Improvement Plan
- Item 13.4 Delegations Register
- Item 13.5 Sample MOU

Presiding Member

Date