

# SHIRE OF KOJONUP



## Council Minutes

***20<sup>th</sup> February 2007***

**SHIRE OF KOJONUP****AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 20<sup>TH</sup> FEBRUARY 2007****TABLE OF CONTENTS**

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

The President opened the meeting at 3.02pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points.

The President read the following statement:

*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 John Benn	
Cr Pat Bunny	
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 <i>entered at 3.05pm</i>
Mrs Heather Marland	Senior Finance Officer
Mrs Rosemary Cussons	Personal Assistant

**APOLOGIES**

Cr Jane Trethowan	Deputy Shire President - Leave of Absence
Cr Geoff Thorn	Leave of Absence

**3 PUBLIC QUESTION TIME**

Nil

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

Nil

**5 APPLICATIONS FOR LEAVE OF ABSENCE****COUNCIL DECISION**

**04/07**            **MOVED Cr Carrington-Jones seconded Cr Benn that Leave of Absence be granted to Cr Thorn from today's Council Meeting dated Tuesday 20<sup>th</sup> February 2007.**

**CARRIED****8/0****6 CONFIRMATION OF MINUTES**

ORDINARY MEETING 19<sup>th</sup> December 2006

Corrections: Nil

**COUNCIL DECISION**

**05/07**            **MOVED Cr Bunny seconded Cr Graham that the Minutes of the Ordinary Meeting of Council held on 19<sup>th</sup> December 2006 be confirmed as a true record.**

**CARRIED****8/0**

SPECIAL COUNCIL MEETING 31<sup>st</sup> January 2007

Corrections: Nil

**COUNCIL DECISION**

**06/07**            **MOVED Cr Marsh seconded Cr Hewson that the Minutes of the Special Meeting of Council held on 31<sup>st</sup> January 2007 be confirmed as a true record.**

**CARRIED****8/0****7 ANNOUNCEMENTS by the Presiding Member without discussion**

- a. The Presiding Member announced that a recent meeting was held in Kojonup with the Minister for Local Government, the Honourable John Bowler and the Director General and that a further meeting is proposed for April, the date of which is to be confirmed.
- b. The Presiding Member asked that Councillors please regularly scrutinise the Councillor's Notice Board in the Council Chambers in order to read correspondence and notice of events.
- c. The Presiding Member announced that the new Standing Orders draft will be used at this and subsequent meetings of Council.

**8 PETITIONS, DEPUTATIONS & PRESENTATIONS**

Nil

**9 DECLARATIONS OF INTEREST**

Cr Benn declared an impartiality interest in Item 13.2 as he is the current Chairman of the Kojonup Tourist Association.

*3.25pm Cr Marsh left the Meeting*

*3.26pm Cr Marsh returned to the Meeting*

**10**     **FINANCE REPORTS**10.1    **FINANCIAL MANAGEMENT – NEW RESERVE ACCOUNT – “FOOTPATHS”**

AUTHOR:                   Kim Dolzadelli – Manager Corporate Services  
 DATE:                      Thursday, 15 February 2007  
 FILE NO                   06.15.01:

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Council is being requested to establish a new reserve account for Footpaths.

**BACKGROUND**

A grant application to Country Pathways for funding to undertake Footpath works on Katanning Road was unsuccessful; this was disclosed to Council at its meeting held 17<sup>th</sup> October 2006. The total cost of the project was budgeted at \$92,200 of which \$46,100 was grant funding and the remaining \$46,100 Council funded.

**COMMENTS**

Officers have previously recommended reprioritising and alternative works, however examination of the capital works program for the remainder of the year shows little capacity to complete any new Footpaths.

It is recommended that the full \$46,100 of Council funds be transferred to a new reserve “FOOTPATHS”. These funds could then be transferred back into operations as a transfer from reserve account for allocation in the 07/08 financial year for Footpath works.

**CONSULTATION**

None necessary.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 Section 6.11 Reserve Accounts subsection (1): Subject to subsection (5), where a Local Government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS – ABSOLUTE MAJORITY****OFFICER RECOMMENDATION**

That Council create a new Reserve Account titled “FOOTPATHS”.

**COUNCIL DECISION**

**07/07**                   **MOVED Cr Hewson seconded Cr Pritchard that Council create a new Reserve Account titled “FOOTPATHS”.**

**CARRIED**

**8/0**

## 10.2 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY

AUTHOR: Kim Dolzadelli – Manager Corporate Services  
 DATE: Thursday, 15 February 2007  
 FILE NO 06.15.01:

**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.

As there was no scheduled Council meeting for the month of January the Monthly Statement of Financial Activity for both December 2006 and January 2007 are now being presented.

Following a review of Budget Projections at 31<sup>st</sup> January 2007 Council is being asked to consider the adoption of Budget amendments contained with January's Statement of Financial Activity.

There are a number of separate attachments to this report, which also give 'overview' information as to the position of various items of Council's finances.

**BACKGROUND**

The new reporting requirements came into force from 1<sup>st</sup> July 2005.

**COMMENTS**

A review of Budget Projections has been undertaken by Senior Staff and there are a number of Budget Amendments proposed within Attachment 3 "Detailed Operating Statement" and Attachment 4 "Capital Expenditures" of the Statement of Financial Activity for January 2007. These are being put to Council for consideration and Adoption.

The review was conducted consistent with the "Material" Variance figure of either \$500 or 8% as adopted by Council at its meeting of 22 August 2005.

The Projected Closing Balance to the 31<sup>st</sup> December 2006 was a surplus of \$2,486.00; as a result of the Budget Review, undertaken as at 31<sup>st</sup> January 2007, Council's Projected Closing Balance is now a Surplus of \$40,153.00.

There are a number of attachments to this report, and they are as follows:

**Report for Month Ending 31/12/2006:**

1. Bank Reconciliations
- 2.1 Rates Report
5. Statement of Financial Activity – Summary
- 6.1 Plant Purchases and Disposals, and other Asset disposals
7. Restricted Monies – Unexpended Grants Paid in Advance.
8. Reserves Cash Backed
9. Status Report – Finance and Accounting Work
10. Net Current Assets

**Report for Month Ending 31/01/2007**

1. Bank Reconciliations
- 2.1 Rates Report
3. Detailed Operating Statement
- 4.1 Capital Expenditure Listing
5. Statement of Financial Activity – Summary
- 6.1 Plant Purchases and Disposals, and other Asset disposals
7. Restricted Monies – Unexpended Grants Paid in Advance.
8. Reserves Cash Backed

9. Status Report – Finance and Accounting Work
10. Net Current Assets

**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**

Council's Policy F13 provides guidance with respect to Budget Management and Budget Amendments.

**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 Financial Activities report.

**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 – unless otherwise stated**

**OFFICER RECOMMENDATION**

1. That the Monthly Financial reports for December 2006, as attached, be accepted.
2. That Council approve the proposed Budget Amendments to Councils Operating and Capital Budgets as shown in attachments 3 and 4 of the Statement of Financial Activity for January 2007 - **VOTING REQUIREMENTS – ABSOLUTE MAJORITY**
3. That the Monthly Financial reports for January 2007, as attached, be accepted.

**COUNCIL DECISION**

**08/07 MOVED Cr Carrington-Jones seconded Cr Marsh**

1. That the Monthly Financial reports for December 2006, as attached, be accepted.
2. That Council approve the proposed Budget Amendments to Councils Operating and Capital Budgets as shown in attachments 3 and 4 of the Statement of Financial Activity for January 2007 - **VOTING REQUIREMENTS – ABSOLUTE MAJORITY**
3. That the Monthly Financial reports for January 2007, as attached, be accepted.

**CARRIED**

**8/0**

## 10.3 MONTHLY PAYMENTS LISTING

**AUTHOR:** Senior Finance Officer – Heather Marland  
**DATE:** 13<sup>th</sup> February 2007  
**FILE NO:** 06.15.01

**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 12/12/06 to 13/02/07 comprising of Municipal Cheques 8722 to 8843, EFTs 2011 to 2179 and Internal Payment Vouchers 815 to 890 totalling \$1,494,517.36 and as attached to this agenda, be received.

**COUNCIL DECISION**

**09/07**            **MOVED Cr Benn seconded Cr Hewson that the Payment Listing from 12/12/06 to 13/02/07 comprising of Municipal Cheques 8722 to 8843, EFTs 2011 to 2179 and Internal Payment Vouchers 815 to 890 totalling \$1,494,517.36 and as attached to this agenda, be received**

**CARRIED**

**8/0**

3.35pm Mrs Heather Marland left the Meeting

**11 ENGINEERING & WORKS REPORTS**

Nil

**12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS****12.1 EXPRESSION OF INTEREST EOI 02/06 – DISPLAY OF AIRPORT BILLBOARD SIGNAGE**

DATE: 27<sup>th</sup> December 2006  
 AUTHOR: Melissa Wilson – Manager of Health and Building  
 FILE NO: 05.02.01  
 ATTACHMENT: Spreadsheet of Submissions Received

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To consider the submissions for the Expression of Interest (EOI 02/06) relating to advertising devices at the Shire of Kojonup Airstrip.

**BACKGROUND**

On the 2<sup>nd</sup> December 2006 the Shire of Kojonup advertised for expressions of interest for parties wanting to display advertising billboards at the Shire of Kojonup Airstrip.

Six (6) submissions were received by the 21<sup>st</sup> December 2006, which was the closing date for submissions. The submissions received were from:

- WA Billboards
- Ferngrove Vineyard
- Metro Inn Albany
- Albany Holiday Park
- Denmark Farmhouse Cheese
- Watercraft Marine

**COMMENT**

All of the submissions received were received by the closing date indicated in the expression of interest.

The following information summarises the submissions received.

**Ferngrove Vineyard**

Intend to erect a sign, which is 2400mm by 4800mm with the lowest section of the sign being 950mm from the ground. The sign will be made of sheet metal outlining the basic business details of the Vineyard including a photograph of the vineyard. Ferngrove has \$10,000,000.00 in insurance (the insurance certificate was submitted with the application).

This applicant will advertise a business whose primary place of operation is in the great southern region. The business is one of wine sales and accommodation in the Frankland River area.

**Metro Inn Albany**

Intend to erect a sign which is approximately the same size as the existing Goundrey and Fox River signs. Although they did not supply specifics about the signage the submission indicated that Metro Inn would be flexible in all aspects of the sign and would meet all requirements of the Shire of Kojonup and Council's policy. They also indicated that they would ensure that the required insurance would be obtained (as required by the Shire of Kojonup).

This applicant will advertise a business whose primary place of operation is in the great southern region. The business is one of accommodation in Albany.

**Albany Holiday Park**

Intend to erect a sign which is approximately the same size as the existing Goundrey and Fox River signs. The submission indicated that Albany Holiday Park would be flexible in all aspects of the sign and would meet all requirements of the Shire of Kojonup and Council's policy. A draft format of the sign was submitted which contained general business information and logos of the business and facilities.

Albany Holiday Park has \$10,000,000.00 in insurance (the insurance certificate was submitted with the application).

This applicant will advertise a business whose primary place of operation is in the great southern region. The business is one of accommodation in Albany.

#### WA Billboards

WA Billboards has had a sign at the airstrip since 1993. The company leases advertising space to other businesses and organizations on a contractual basis.

WA Billboards intend to retain their existing sign located at the southern most part of the property, which is 3000mm by 6000mm. The sign is double sided and contains Road Safety information on one side while the other side is taken up with other advertising which is changed from time to time.

WA Billboards indicated that they have \$10,000,000.00 in insurance.

This applicant intends to advertise business whose primary place of operation may or may not be in the great southern region however the side taken up with the road safety information will have national significance.

#### Denmark Farmhouse Cheese

Denmark Farmhouse Cheese did not supply specifics about the sign size however it was understood that they would be flexible in all aspects of the sign and would meet all requirements of the Shire of Kojonup and Council's policy. The content of the sign is intended to say "While in Denmark, Come and Visit Denmark Farmhouse Cheese" and to include the business logo and location.

Denmark Farmhouse Cheese indicated that they have \$10,000,000.00 in insurance.

This applicant will advertise a business whose primary place of operation is in the great southern region. The business is one of cheese production and sales in Denmark.

#### Watercraft Marine

Watercraft Marine intend to erect a sign which is 3000mm by 6000mm and constructed of sheet metal. The content of the sign is intended to say "Ever wondered what your neighbours get up to on the weekend" accompanied by a picture of a boat and general business information including their name and contact details.

Watercraft Marine indicated that they have \$5,000,000.00 in insurance.

This applicant will advertise a business whose primary place of operation is in the great southern region. The business is one of marine product sales in Albany.

All artwork will be confirmed on submission of planning applications from all successful applicants.

#### **CONSULTATION**

No consultation is required at this stage.

#### **STATUTORY REQUIREMENTS**

There are no known statutory requirements.

#### **POLICY IMPLICATIONS**

There are no known policy implications.

#### **FINANCIAL IMPLICATIONS**

There are no known financial implications at this stage.

#### **STRATEGIC IMPLICATIONS**

There are no known strategic implications.

#### **VOTING REQUIREMENTS – SIMPLE MAJORITY**

**OFFICER RECOMMENDATION**

That the Council accept all of the expressions of interest for the display of airport billboard signage and request that planning applications are submitted to the Shire of Kojonup for assessment.

**COUNCIL DECISION**

**10/07**            **MOVED Cr Marsh seconded Cr Carrington-Jones that the Council accept all of the expressions of interest for the display of airport billboard signage and request that planning applications are submitted to the Shire of Kojonup for assessment.**

**CARRIED**

**8/0**

*3.40pm Mr Kim Dolzadelli left the Meeting*

*3.44pm Mr Kim Dolzadelli and Mr Allan Mortimer entered to the meeting*

The Presiding Member introduced Mr Allan Mortimer, who was recently contracted by the Shire of Kojonup as the Environmental Health Officer Consultant. Mr Mortimer gave a brief overview of his professional work experiences and his current role at the Shire.

*3.45pm Cr Bunny left the Meeting*

*3.46pm Cr Bunny returned to the Meeting*

*3.55pm The Presiding Member adjourned the Meeting in order that the Councillors have the opportunity to personally meet Mr Allan Mortimer.*

*3.57pm The Presiding Member reconvened the Meeting*

*3.57pm Mr Allan Mortimer left the Chamber*

## 12.2 FINAL APPROVAL FOR TOWN PLANNING SCHEME NO 3 AMENDMENT NO 6

DATE:                    13<sup>th</sup> February 2007  
 AUTHOR:                Stephen Gash  
 FILE NO:                14.04.01  
 ATTACHMENT:        Town Planning Scheme No 3 Amendment No 6

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To grant final approval to Rezoning Requests and Removal of Signs and Hoarding By-Laws as set out in the Town Planning Scheme No 3 Amendment No 6.

**BACKGROUND.**

1. At the Council Meeting held 20<sup>th</sup> June 2006 Council resolved to initiate a town planning scheme amendment to:
  - a) Rezone Lot 17 Blackwood Road, 1,012m<sup>2</sup> in area, from Residential to Commercial
  - b) Add 'additional use' for Lots 122 and 123 Blackwood Road, Muradup which are 2,206 m<sup>2</sup> and 2,213 m<sup>2</sup> respectively, and are zoned Residential R10
  - c) Delete all reference in the Scheme Text to the 'Signs and Hoarding and Bill Posting By-Laws'. At the time the Scheme was originally gazetted, the Shire had adopted the 'Signs and Hoarding and Bill Posting By-Laws' and therefore referred to these in the Scheme. The Shire no longer uses these by-laws and therefore needs to delete any reference to the provisions.

2. The amendment was advertised for 42 days, up until the 13<sup>th</sup> January 2007, and four (4) submissions were received during that period. Seven adjoining and nearby landowners were notified in writing of the proposal and invited to make submissions.

**COMMENT**

Attached is a copy of the Schedule of Submissions on the scheme amendment. The schedule summarises the comments made by individuals and provides a draft comment and recommendation for Council's consideration. No submissions were received from the seven notified adjoining and nearby landowners.

**CONSULTATION**

No consultation is required at this stage.

**STATUTORY REQUIREMENTS**

Section 7 of the Town Planning and Development Act provides the mechanism for a town planning scheme to be amended. Council must resolve to initiate a scheme amendment and then place the amending documents on public display. Any comments received must be considered by Council and a recommendation is then made by Council to the Minister for Planning and Infrastructure on the course of action Council wishes to pursue (this is where this application currently sits in the process). Council can seek to progress the amendment without change, it can modify the amending documents to reflect the submissions received or it can recommend that the rezoning not proceed.

If Council resolves to decline to proceed with the rezoning or to grant final approval to the amendment, with or without modifications, the documents are then referred to the Minister for Planning and Infrastructure. The Minister can accept Council's recommendation or she can require her own modifications to the documents prior to them being gazetted and coming into force. The Minister can also decline to withdraw from the rezoning if she considers Council's decision is not consistent with orderly planning.

**POLICY IMPLICATIONS**

There are no known policy implications.

**FINANCIAL IMPLICATIONS**

There are no known financial implications at this stage.

**STRATEGIC IMPLICATIONS**

There are no known strategic implications.

**VOTING REQUIREMENTS – SIMPLE MAJORITY****OFFICER RECOMMENDATION**

1. That Council grant final approval of modifications to Amendment No 6 to the Town Planning Scheme No 3 to
  - a) Change the zoning from Residential to Commercial for Lot 17 Blackwood Road
  - b) Add 'additional use' to Lots 122 and 123 Blackwood Road Muradup, and
  - c) Delete all reference in the Scheme Text to the 'Signs and Hoarding and Bill Posting By-Laws'.
2. That Council receive the tabled Schedule of Submissions which provides the comments on individual submissions and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed.
3. That Council see that the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forward the documents to the Minister for Planning and Infrastructure for execution and gazettal.

**COUNCIL DECISION**

- 11/07            MOVED Cr Hewson seconded Cr Bunny**
- 1            That Council grant final approval of modifications to Amendment No 6 to the Town Planning Scheme No 3 to**
    - a) Change the zoning from Residential to Commercial for Lot 17 Blackwood Road**
    - b) Add 'additional use' to Lots 122 and 123 Blackwood Road Muradup, and**
    - c) Delete all reference in the Scheme Text to the 'Signs and Hoarding and Bill Posting By-Laws'.**
  - 2            That Council receive the tabled Schedule of Submissions which provides the comments on individual submissions and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed.**
  - 3            That Council see that the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forward the documents to the Minister for Planning and Infrastructure for execution and gazettal.**

**CARRIED****8/0****13    CORPORATE & COMMUNITY SERVICES REPORTS****13.1    SPRINGHAVEN REVIEW**

DATE:                    15<sup>th</sup> February 2007  
AUTHOR:                Stephen Gash  
FILE NO:                05.02.12  
ATTACHMENT:        Review of Springhaven Lodge and Retirement Units

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To receive the "Review of Springhaven Lodge and Retirement Units".

**BACKGROUND.**

Council have expressed concern regarding the financial sustainability of Springhaven given the increased statutory and service level requirements, existing funding mechanisms, and ability for local governments to manage aged care facilities in this environment. Bentleys MRI were engaged to conduct a review of Springhaven Lodge and Retirement Units given their experience in the aged care sector.

The review covered the following areas:

- Operating Results – determination of the current operating results of the facilities;
- Future Projections – preparation of estimates of the likely future operating results of the current facility, and if economies of scale were possible through expansion. Estimates were considered on the basis of a 60 bed facility, representing a size where economies of scale may be possible.
- Capital Costs – a review of the existing facilities with a view to establishing the approximate value of capital works necessary to bring the facility up to an acceptable standard; and
- Management or divestment options available.

**COMMENT**

The Shire will need to consider the report in detail and assess against the strategic objectives of the Shire and community expectations for aged care services. Further examination of options will be necessary to ensure compliance with the Local Government Act during any form of consultation or expression of interest process.

The item before Council at the moment is only to receive the report, not to make any decision or interpretation. Appendix D (Payroll Analysis) has been excluded from the public document as it relates to identifiable data of individual staff wages.

The analysis of a 60 bed facility is made on the basis of a size at which there may be economies of scale and not on the basis of demand assessment.

**CONSULTATION**

The Department of Local Government and Regional Development have offered preliminary advice regarding the receipt of the review and will be consulted extensively to ensure compliance with the Local Government act (1995) as amended.

**STATUTORY REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

There are no financial implications in receiving the report. The report however outlines financial considerations for the Shire of Kojonup in its management of aged care services.

**STRATEGIC IMPLICATIONS**

The report contains minimal information that would not have been accessible from budgets and financial reporting. The strategic implications of the options in the report will be determined.

The report can form the basis of public information for any expression of interest, if Council wish to examine this option in the future.

**VOTING REQUIREMENTS – SIMPLE MAJORITY****OFFICER RECOMMENDATION**

That Council receive the “Review of Springhaven Lodge and Retirement Units”, excluding Appendix D - Payroll Analysis, and notes the recommendations.

**COUNCIL DECISION**

**12/07**                      **MOVED Cr Bunny seconded Cr Pritchard that Council receive the “Review of Springhaven Lodge and Retirement Units”, excluding Appendix D - Payroll Analysis, and notes the recommendations.**

**CARRIED**

**8/0**

## 13.2 KOJONUP TOURIST ASSOCIATION - REQUEST FOR REIMBURSEMENT

DATE: 15<sup>th</sup> February 2007  
AUTHOR: Stephen Gash  
FILE NO: 03.05.05

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To consider the request for reimbursement of the Kojonup Tourist Association for paying a relief Manager during the period 15 – 31 January 2007.

**BACKGROUND.**

For the period January 2003 to September 2004 the Shire paid for additional staff cover for The Kodja Place by utilising a contractor to the value of approximately \$14,000 per year. This included annual leave relief cover for the Manager position. The arrangement was ceased in September 2004 due to financial constraints of the Shire and it is estimated that the Kojonup Tourist Association (KTA) continued to utilise the contractor at a rate between \$10,000 and \$12,000 over subsequent years.

No funds were allocated in the Shires 2004/2005, 2005/2006 and 2006/2007 budgets for the additional contract administration and leave relief, as this appeared covered within the Kojonup Tourist Association budget and continuing arrangement with the contractor.

On 10 January 2007 the Chairperson of the Kojonup Tourist Association wrote to the Chief Executive Officer of the Shire of Kojonup to advise they had approached the existing contractor to cover the leave period for 15 to 31 January 2007. This would incur a cost \$2,400, however, the treatment of GST was not specified.

The Kojonup Tourist Association advised *“As the Manager’s position is a Shire Council appointment and the Kojonup Tourist Association is not in a position to meet this expense at the present time. We feel it is therefore necessary to request your assistance in this regard.”*

**COMMENT**

The Shire formally requested The Kodja Place Manager take at least two weeks leave sometime between November 2006 and April 2007, due to excessive leave accrual.

The Chief Executive Officer was approached verbally in November and December 2006 by KTA representatives regarding whether there was any money in the budget, or available staff, to cover the leave period 15 – 31 January 2007 at the Kodja Place. It was stated that there was no money allocated in the budget.

A formal approach to the Shire was made two working days prior to the leave commencing. The original staff budget for The Kodja Place had already been increased by nearly \$6,000 in a previous budget amendment, and the February budget review includes an extra \$9,900 in garden maintenance. Given the previous consideration by Council, the CEO was not in a position to authorise any unbudgeted expense, or automatically include within the budget review without providing a report.

The proposed February 2007 budget amendments relating to staff costs in other sections of the Shire operations are being considered in advance, as required by the Local Government Act (1995), however, this request is being considered after the expenditure was made by an independent incorporated association, and is therefore a request for reimbursement requiring specific consideration by Council.

The contractor was engaged by KTA to cover the leave period, as indicated, without formal feedback or endorsement from the Shire. The Chairperson of KTA was later advised verbally, in the presence of the Shire President that the issue would need to be considered formally by Council. The next ordinary meeting was 20 February 2007. During the discussion with the Chairperson of KTA and the Shire President it was suggested that if the issue was of an urgent cash flow nature then this should be conveyed formally to allow options for other support such as short term loans to be considered.

The Chairperson of KTA and Manager of The Kodja Place have indicated that KTA paid the contractor but they are struggling financially. There have been no financial statements requested or provided to verify the financial position of KTA in this current financial year. The Shire is not aware of the budget allocation of the Kojonup Tourist Association for contract administration staff for this current year, or how much has been expended.

If the contract staff KTA budget allocation was maintained for 2006/2007 at approximately the \$10,000 range and at 10 January 2007 they could not expend \$2,400, then from an operating position, then further explanation of the impact of KTA's budget variance may be required before the Shire consider the request for reimbursement. However, examining previous KTA annual financial statements it appears the amount of profit from catering offsets the expenditure on contract staff and if both are regular activities then the issue may be cash flow. (eg \$833 planned expense in January, as a regular apportionment of budget, but \$2,400 required, equating to an additional 2 months cash expense in advance).

Clarification of the nature of the financial hardship is important to consider the capacity for leave cover by contract staff for the remainder of 2006/2007 financial year, which may impose further unbudgeted demands on the Shire resources. KTA is an independent incorporated association and cannot be compelled to provide the financial information; however, Council can make a formal request given the approach for financial assistance.

The form of report should not be made onerous or require additional expenditure and therefore simple management type data from their financial management software and balance of cash at bank would suffice. If this information was available by 9 March 2007 Council could consider the issue at its March meeting.

#### **CONSULTATION**

Nil

#### **STATUTORY REQUIREMENTS**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

A budget amendment would be required to the value of \$2,400 if Council wish to reimburse KTA.

#### **STRATEGIC IMPLICATIONS**

The issue highlights the complicated nature of an employment relationship where the operational demands on a position, including leave cover, are assumed by a group who is not the employer.

#### **VOTING REQUIREMENTS – SIMPLE MAJORITY**

#### **OFFICER RECOMMENDATION**

That Council request the Kojonup Tourist Association provide a brief 'year to date' financial report by 9<sup>th</sup> March 2007, summarising:

- overall income and expenditure
- expenditure on contract staff and variance from budget
- cash at bank position February 2007

#### **COUNCIL DECISION**

**13/07**            **MOVED Cr Hewson seconded Cr Pritchard that Council request the Kojonup Tourist Association provide a brief 'year to date' financial report by 9<sup>th</sup> March 2007, summarising:**

- overall income and expenditure
- expenditure on contract staff and variance from budget
- cash at bank position February 2007

**CARRIED**

**8/0**

13.3 AUDIT COMMITTEE MEETING - 31<sup>st</sup> January 2007.

Committee Recommendations

A 01/07 MOVED Cr Marsh that the Audit Report and Auditors Management Letter for the 2005/2006 financial year be received.

CARRIED 10/0

A 02/07 MOVED Cr Carrington-Jones that the Audit Committee note the Officers response to the audit findings, contained within the Auditors Management Letter for 2005/2006.

CARRIED 10/0

A 03/07 MOVED Cr Carrington-Jones that a copy of these Audit Committee minutes and the Auditors Management Letter for 2005/2006 be sent to the Department of Local Government and Regional Development.

CARRIED 10/0

A 04/07 MOVED Cr Trethowan that a copy of all correspondence from the Department of Local Government and Regional Development regarding specific statutory compliance or financial management issues be forwarded to the external auditors.

CARRIED 10/0

**OFFICER RECOMMENDATION**

That the minutes from the Audit Committee Meeting held 31<sup>st</sup> January 2007 be endorsed and that the recommendations A 01/07 to A 04/07 inclusive be noted.

**COUNCIL DECISION**

**14/07 MOVED Cr Marsh seconded Cr Carrington-Jones that the minutes from the Audit Committee Meeting held 31<sup>st</sup> January 2007 be endorsed and that the recommendations A 01/07 to A 04/07 inclusive be noted.**

**CARRIED 8/0**

**14 OCCUPATIONAL SAFETY & HEALTH COMMITTEE MINUTES**

14.1 OCCUPATIONAL SAFETY & HEALTH COMMITTEE MEETING 22<sup>nd</sup> November 2006

OSH 32/06 Moved Mr Derek Marland that the Minutes of the 27<sup>th</sup> September 2006 Occupational Safety and Health Committee be confirmed.

Carried 4/0

5.6 Policy and Procedure Review

5.6.1 Committee Policy and Terms of Reference

OSH 33/06 Moved Mr D Marland that the Committee Policy and Terms of Reference, as attached to the 22<sup>nd</sup> of November 2006 Occupational Safety and Health Committee Minutes be adopted.

Carried 5/0

## 5.6.2 Electrical Safety Policy and Procedure

OSH 34/06 Moved Mr S Gash that the Electrical Safety Policy and Procedure, as attached to the 22<sup>nd</sup> of November 2006 Occupational Safety and Health Committee Minutes be adopted.

Carried 5/0

OSH 35/06 Moved Mr S Gash that the Risk Assessment form be reviewed and reimplemented to all departments.

Carried 5/0

## 5.6.3 Hazardous Substance Management Policy and Procedure

OSH 36/06 Moved Mr R McKenzie that the Hazardous Substance Management Policy and Procedure, as attached to the 22<sup>nd</sup> of November 2006 Occupational Safety and Health Committee Minutes be adopted.

Carried 5/0

## 5.6.4 Hepatitis and Tetanus Prevention Policy

OSH 37/06 Moved Ms M Wilson that the Hepatitis and Tetanus Prevention Policy, as attached to the 22<sup>nd</sup> of November 2006 Occupational Safety and Health Committee Minutes be adopted.

Carried 5/0

## 5.6.5 Isolation and Lock Out Policy and Procedure

OSH 38/06 Moved Mr S Gash that the Isolation and Lock Out Policy and Procedure be deferred until the next Occupational Safety and Health Committee meeting.

Carried 5/0

*Reason for Change: The Committee didn't have the appropriate information in order to discuss the isolation and Lock Out Policy and Procedure.*

**OFFICER RECOMMENDATION**

That the minutes from the Occupational Safety and Health Committee Meeting held 22<sup>nd</sup> November 2006 be endorsed and that the recommendations OSH 32/06 to OSH 38/06 inclusive be noted.

**COUNCIL DECISION**

15/07 **MOVED Cr Carrington-Jones seconded Cr Benn that the minutes from the Occupational Safety and Health Committee Meeting held 22<sup>nd</sup> November 2006 be endorsed and that the recommendations OSH 32/06 to OSH 38/06 inclusive be noted.**

**CARRIED 8/0**

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

16/07 **MOVED Cr Marsh seconded Cr Hewson that Council consider Item 12.1 from the Council Meeting dated 21<sup>st</sup> November 2006 relating to the Wastewater Agreement with the Water Corporation**

**CARRIED 8/0**

*The following Item 12.1 is extracted from the Council Minutes of 21<sup>st</sup> November 2006*

## 12.1 WASTEWATER AGREEMENT WITH WATER CORPORATION

DATE: 14<sup>th</sup> November 2006  
 AUTHOR: Melissa Wilson – Manager of Health and Building  
 FILE NO: 08.02.04  
 ATTACHMENT: Memorandum of Understanding  
 Transfer of Assets  
 Map of Dam

### **DECLARATION OF INTEREST**

Nil

### **SUMMARY**

To endorse the 'Memorandum of Understanding' for the supply and use of wastewater and the 'Transfer of Assets' between the Shire of Kojonup and the Water Corporation.

### **BACKGROUND**

There has been a historical arrangement between the Shire of Kojonup and the Water Corporation in relation to the Wastewater Reuse Scheme. The arrangement has been one of an unofficial nature.

The wastewater reuse scheme comprises of the Water Corporation collection and treatment ponds on Soldier Road, which supplies the Shire of Kojonup with wastewater. This wastewater is then chlorinated and used as reticulation of the ovals at the Sporting Complex.

The reuse system is governed by the requirements of the Department of Health and among other conditions now requires an official agreement between the parties involved.

### Memorandum of Understanding

It is for this reason that the Memorandum of Understanding has been created. The Memorandum of Understanding has the following main points:

- It is intended that the Water Corporation will be responsible to supply the entitlement of wastewater (50,000kL per annum) up until the 'Delivery Point'. The 'Delivery Point' will be the "Outlet of wastewater treatment plant at fence boundary as indicated on Annexure A – Plan" (included in Memorandum of Understanding).
- The Shire of Kojonup will be responsible for the wastewater and any infrastructure costs past the 'Delivery Point'.
- The Shire of Kojonup is responsible for ensuring that backflow of water will not occur to the Water Corporations reticulated distribution system.
- The Shire of Kojonup will be required to indemnify the Water Corporation against loss or damage unless it is partially or wholly the Water Corporations fault.
- It is the Shire of Kojonup's responsibility to advise the Water Corporation when the water is needed and when it is required to be diverted. The Water Corporation will be responsible for disposing of the excess wastewater (under the provisions of their licence conditions).
- The Water Corporation will be required to deliver the water at the standards noted in Schedule 2 of the 'Understanding'.
- The term of the 'Understanding' will be for 10 years with reviews at 2 yearly intervals.
- To terminate the 'Understanding' both parties are required to give the other party 12 months written notice.
- The 'Understanding' doesn't limit the Water Corporation from entering into a separate agreement with another party to supply wastewater however this will not limit the Shire of Kojonup's entitlement.

The agreement will be required to be signed by the Shire President and the Chief Executive Officer.

### Transfer of Assets

The Transfer of Assets has been compiled in order to sign the ownership of the dam, located at the Showgrounds Reserve 16076 (see attached map), to Shire of Kojonup. The Water Corporation

constructed this dam for the overflow of wastewater in high flow periods however it was never commissioned due to initial concerns about its condition.

After consultation with the Water Corporation it was agreed that this dam would be transferred to Shire of Kojonup ownership. It is intended that the Shire of Kojonup will get an engineer to assess it for structural integrity and if safe utilised.

#### **COMMENT**

A Memorandum of Understanding has been drawn up to define the responsibilities of both the Shire of Kojonup and of the Water Corporation in terms of supply, use and infrastructure involved.

The Memorandum of Understanding doesn't alter much from the current arrangement except for:

1. The definition of delivery point,
2. Clear understanding of the infrastructure requirements of either party and
3. The fact that the showgrounds dam (which is currently being used as overflow) will not be used. The wastewater will be pump directly to the dam located at lot 27 Blackwood Road Kojonup.

The documents (attached) require endorsement of the Council.

The Transfer of Assets will mean that the Shire of Kojonup is totally responsible for the maintenance of the dam and the Water Corporation will not be held liable for the condition, construction or design of the dam in any way.

#### **CONSULTATION**

There has been extensive consultation with the Water Corporation on the matter.

#### **STATUTORY REQUIREMENTS**

The use of the wastewater is governed by the requirements set by the Department of Health.

#### **POLICY IMPLICATIONS**

There are no known policy implications.

#### **FINANCIAL IMPLICATIONS**

The Dam will become the Shire's responsibility and therefore any maintenance costs will be born by the Shire.

Stamp duty for the Transfer of Assets will be the Shire of Kojonup responsibility.

#### **STRATEGIC IMPLICATIONS**

A Memorandum of Understanding will ensure that all parties involved will know the relationship, rights and responsibilities.

#### **VOTING REQUIREMENTS – SIMPLE MAJORITY**

#### **OFFICER RECOMMENDATION**

That the Council endorse the Shire President and the Chief Executive Officer to execute the Memorandum of Understanding for the supply and use of wastewater and the Transfer of Assets between the Shire of Kojonup and the Water Corporation.

*Cr Thorn moved the Officer's recommendation.*

*Cr Thorn withdrew the motion with the permission of the Council.*

#### **COUNCIL DECISION**

159/06            MOVED Cr Thorn that Council Decision 159/06 lay on the table pending further discussions of the Chief Executive Officer with the Water Corporation.

CARRIED            9/0

*Reason for change: Further information sought from the Water Corporation.*

**COUNCIL DECISION**

- 17/07            **MOVED** Cr Marsh seconded Cr Benn that
- a. Council acknowledge the correspondence from the Water Corporation dated 20<sup>th</sup> December 2006
  - b. Council note the Water Corporation advice that they believe the water quality should return to an acceptable standard within a 6 to 9 month period.
  - c. Council advise that a condition of any agreement include that restoration costs be worn by the Water Corporation if water quality does not return to an acceptable standard within 18 months.
  - d. The Chief Executive Officer and Shire President execute the Memorandum of Understanding for the supply and use of wastewater and the Transfer of Assets between the Shire of Kojonup and the Water Corporation.

**CARRIED            8/0**

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

- 17            **CONFIDENTIAL REPORTS**  
Nil

- 18            **NEXT MEETING**  
20<sup>th</sup> March 2007 commencing at 3:00pm.

- 19            **CLOSURE**  
There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 4.30pm.

- 20            **APPENDICES AND TABLED DOCUMENTS**

- 21            **ATTACHMENTS**

- Item 10.2            Financial Management Reports – months ending 31<sup>st</sup> December 2006 & 31<sup>st</sup> January 2007.
- Item 10.3            Monthly Payment Listing
- Item 12.1            Kojonup Airstrip Signage - Spreadsheet of Submissions received
- Item 12.2            Town Planning Scheme No 3 Amendment No 6  
Schedule of Submissions re TPS No 3 Amendment No 6
- Item 13.1            Review of Springhaven Lodge and Retirement Units
- Item 13.3            Audit Committee Meeting Minutes 31<sup>st</sup> January 2007
- Item 14.1            Occupational Safety & Health Committee Meeting 22<sup>nd</sup> November 2006
- Item 15            Attachments with Item 12.1 of Minutes 21<sup>st</sup> November 2006
- Memorandum of Understanding
  - Transfer of Assets
  - Map of Dam

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

\_\_\_\_\_  
Date