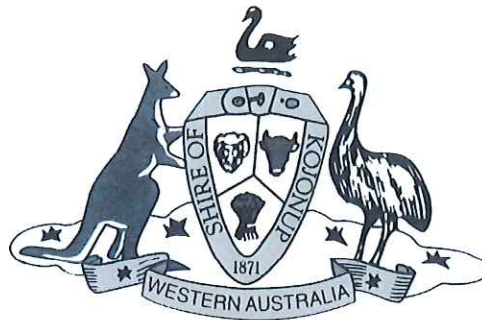


SHIRE OF KOJONUP



Council Agenda

22nd October 2015

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 Thursday 22 October 2015 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 dotted line.

RICK MITCHELL-COLLINS
CHIEF EXECUTIVE OFFICER

19 October 2015

SHIRE OF KOJONUP**AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 22 October 2015****TABLE OF CONTENTS**

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A G E N D A

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

Being the first meeting following the declaration of the results of the Ordinary Election, the Chief Executive Officer shall, in accordance with *Schedule 2.3 (3) of the Local Government Act, 1995* preside over the meeting until such time as the office of President is filled.

The Chief Executive Officer 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
 Cr Robert Sexton
 Cr Frank Pritchard
 Cr Ned Radford
 Cr Ian Pedler
 Cr Jill Mathwin
 Cr Judith Warland
 Cr Graeme Hobbs

Mr Rick Mitchell-Collins	Chief Executive Officer
Mr Anthony Middleton	Manager of Corporate Services
Mr Mort Wignall	Manager of Regulatory Services
Mr Craig McVee	Manager of Works & Services
Mrs Susan Northover	Manager of Aged Care Services
Ms Zahra Shirazee	Manager, Community Development & Tourism
Miss Miranda Wallace	Executive Assistant
Mr Phil Shephard	Town Planner
Mrs Michelle Dennis	Development Services Coordinator
Mrs Hannah Robinson	Community Services Officer

APOLOGIES

2.1 SWEARING IN OF NEW COUNCILLORS

The Chief Executive Officer will call upon each of the newly elected Councillors to make an oath or affirmation of allegiance and declaration in the prescribed manner before Hon Heather Marland, JP, before commencing duties as a Councillor.

2.2 ELECTION OF PRESIDENT (2 YEAR TERM)

NOTE: Nominations for the office of President must be made in writing to the CEO at any time prior to the meeting and during the meeting up until the Election. The Councillor nominated must accept the nomination either orally or in writing.

The election of President will be carried out in accordance with the *Local Government Act 1995 Section 2.6(3), Schedule 2.3 & 4.1 and the Local Government (Constitution) Regulations 1998.*

The successful nominee will then make an oath or affirmation of allegiance and a declaration in the prescribed manner before Hon Heather Marland, JP, before commencing his/her duties as the President of the Council and preside over the meeting.

2.3 ELECTION OF DEPUTY PRESIDENT (2 YEAR TERM)

NOTE: Nominations for the office of Deputy President must be made in writing to the CEO at any time prior to the meeting and during the meeting up until the Election. The Councillor nominated must accept the nomination either orally or in writing.

The election of Deputy President will be carried out in accordance with the *Local Government Act 1995 Section 2.6(3), Schedule 2.3 & 4.1 and the Local Government (Constitution) Regulations 1998.*

The successful nominee will then make an oath or affirmation of allegiance and a declaration in the prescribed manner before Hon Heather Marland, JP, before commencing his/her duties as the Deputy President of the Council.

Shire President now chairs the meeting.

3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

5 PETITIONS, DEPUTATIONS & PRESENTATIONS

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES

ORDINARY MEETING 15th September 2015

COUNCIL DECISION

/15 Moved Cr , seconded Cr that the Minutes of the Ordinary Meeting of Council held on 15th September 2015 be confirmed as a true record.

CARRIED/LOST /

8 ANNOUNCEMENTS by the Presiding Member without discussion

9 DECLARATIONS OF INTEREST

Item 13.6 – Cr Radford in his capacity as President of Kojonup Tourist Railway Inc.

10 CORPORATE SERVICES REPORTS

10.1 REVIEW OF COMMITTEES

AUTHOR: Anthony Middleton – Manager Corporate Services
DATE: Thursday, 8 October 2015
FILE NO: GO.CNM.9
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

To review the elected member representation on committees.

BACKGROUND

All appointments to committees, whether the person is an elected member, employee or community member, will expire on 17 October 2015 in line with the local government election.

Since March 2004, the Council has dispensed with the structure of standing committees reporting to Council each month in favour of a process where everything comes before the Council. Since this time, the Council has established an Audit Committee (required by legislation) and numerous formal advisory committees for specialist items and large projects. Appointments to these committees now need to be considered.

COMMENT

Committee representation should be considered on the basis of equitable distribution amongst Councillors, utilisation of specific skills where appropriate or to add diversity to existing groups to ensure the appropriate mix of skills are present.

Individual Councillors are entitled to be members of at least one committee, which comprises elected members only or elected members and employees. Therefore, Council needs to determine how many members should comprise each Committee.

The Act does not specifically mention anything about Deputies or proxies other than Deputy President and Deputy Presiding members. One of the pillars upon which the *Local Government Act 1995* is built is for better decision-making and more efficient and effective local government (*Ref: Section 1.3 (2)*). Consequently, there is nothing that precludes Council from appointing one or two deputies for each Committee.

10.1.1 FORMAL ADVISORY COMMITTEES

Established under the Local Government Act, these Committees are an immediate extension of the Council. Each meeting shall be called, conducted and recorded in accordance with the Local Government Act 1995 (i.e. local public notice of meetings, Standing Orders, Local Law, formal minutes, etc...).

Minutes of these meetings will be presented to the Council and all recommendations are considered through a written report.

10.1.1.1 AUDIT COMMITTEE

Summary

Established under *Section 7.1 of the Local Government Act 1995* (every local government must have an Audit Committee)

Terms of Reference

The duties and responsibilities of the Committee are:

- a) Provide guidance and assistance to the Council as to carrying out the functions of the Local Government in relation to audits;
- b) Develop and recommend to Council an appropriate process for the selection and appointment of a person as the Shire's Auditor;
- c) Develop and recommend to Council:
 - a list of those matters to be audited; and
 - the scope of the Audit to be undertaken;
- d) Recommend to the Council the person or persons to be appointed as Auditor;
- e) Develop and recommend to the Council a written agreement for the appointment of the Auditor;
- f) Meet with the auditor once in each year and provide a report to the Council on the matters discussed and outcome of those discussions;
- g) Liaise with the Chief Executive Officer (CEO) to ensure that the Shire does everything in its power to:
 - assist the Auditor to conduct the Audit and carry out his or her other duties under the *Local Government Act 1995*; and
 - ensure that audits are conducted successfully and expeditiously;
- h) Examine the reports of the Auditor after receiving a report from the CEO on the matters and:
 - determine if any matters raised require action to be taken by the Shire; and
 - ensure that appropriate action is taken in respect of those matters;
- i) Review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the Auditor and presenting the report to the Council for adoption prior to the end of the next financial year (or 6 months after the last report prepared by the Auditor is received, whichever is the latest);
- j) Review the scope of the Audit Plan and Programme and its effectiveness;
- k) Consider and recommend adoption of the Annual Financial Report to the Council;
- l) Address issues brought to the attention of the Committee, including responding to requests from Council for advice that are within the parameters of the Committee's terms of reference;
- m) Seek information or obtain expert advice through the CEO on matters of concern within the scope of the Committee's terms of reference following authorisation from the Council; and
- n) Review the Statutory Compliance Return and make a recommendation on its adoption to Council.

Membership

Committee of six (6):

- Four (4) Councillors (currently Benn, Pedler, Trethowan & Radford); and
- Two (2) Community Members (currently Mr David Prasser-Jones and one vacant position).

10.1.1.2 KODJA PLACE ADVISORY COMMITTEE

Summary

Established under *Section 5.8 of the Local Government Act 1995*.

Terms of Reference

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

- a) Prioritisation of capital works within the Shire of Kojonup budget allocation;
- b) Consider the current purpose and future planning of the Precinct;
- c) The requirements of individual stakeholders within the Precinct;
- d) Improve stakeholder communication;
- e) Identification of opportunities and improvements to current operations; and
- f) Methods to integrate all aspects of the Precinct into one seamless customer experience and a singular attraction.

Current Membership

Seven (7):

- One (1) representative of the Kojonup Tourist Association (Currently delegate Glenys Russell, proxy John Benn)
- One (1) representative of the Kojonup Aboriginal Corporation (Currently delegate Craig McVee)
- One (1) representative of The Kodja Place Community Fund Inc. (Currently Delegate William Harvey, proxy Roger Bilney)
- One (1) community representative involved with the Rose Maze (Currently Delegate Cathy Wright, proxy Katie O'Halloran)
- One (1) community representative involved with The Story Place (Currently delegate Barbara Hobbs, proxy Wendy Thorn)
- One (1) Councillor representative (Currently delegate Cr Fleay, proxy Cr Sexton); and
- One (1) staff member (Currently the Chief Executive Officer)

10.1.1.3 BLACKWOOD ROAD PRECINCT ADVISORY COMMITTEE

Summary

Established under *Section 5.8 of the Local Government Act 1995*.

Terms of Reference

To advise the Council on, and to undertake the preparation of a Development Plan during the 2015/2016 Financial Year that includes existing Reserves 16076, 13697, 9589, 36549 and the Showground Title CT 2228/997, taking into account:

- a) Present and future uses including User Agreements to ensure improved governance and compliance;
- b) Asset Management implications of existing built infrastructure and upgrades required;
- c) Water harvesting and re-use opportunities;
- d) Review the land parcels in use by other user groups and rationalise the Reserves in the Blackwood Road Precinct;
- e) Financial/Workforce planning considerations;
- f) Occupational Health and Safety/Public Liability implications;
- g) External funding opportunities;
- h) Risk Management implications for various activities/events, etc...

-
- i) Pro's/Con's of relocating some/all of Kojonup Show activities to the Sports Complex/Benn Parade area.

Membership

Nine (9):

- One (1) representative of the Kojonup Golf Club;
- One (1) representative of the Kojonup Tennis Club;
- Two (2) representatives of the Kojonup P&A Society;
- One (1) representative of the Kojonup Gun Club;
- One (1) representative of the Kojonup Archery Club;
- One (1) representative of the Kojonup Pistol Club;
- Two (2) Councillor representatives; and
- One (1) staff member

10.1.2 OTHER SHIRE COMMITTEES

These Committees are less formal groups established by the Council. While they play an equally important advisory role to the Council's decision making process, they are not established in accordance with Section 5.8 of the Act and are deliberately less formal than the Advisory Committee's to better reflect the subject matter concerned. Minutes of these meetings will be presented to the Council to ensure information flow.

10.1.2.1 KOJONUP TOURIST RAILWAY ADVISORY COMMITTEE

Summary

Established by the Council on 28 January 2003. This Committee currently operates as an external group using the Shire as a legal entity.

Current Terms of Reference

- a) That in recognition of the services to be provided by the Shire of Kojonup Tourist Railway Committee, the Council grants the Kojonup Tourist Railway Committee unencumbered exclusive rights to use the land between the Farrar Reserve and Albany Highway defined in the Kojonup – Farrar Railway Order 2002 for the purpose of conducting tourist railway activities;
- b) That the Shire of Kojonup Tourist Railway Committee shall have regard to all conditions imposed within the Order although these conditions may be imposed upon the Council;
- c) Any costs associated with meeting any of the requirements of the Order shall be met by the Shire of Kojonup Tourist Railway Committee;
- d) The Council will arrange for all necessary insurances associated with the conduct of the tourist railway activities;
- e) All activities to be undertaken by the Shire of Kojonup Tourist Railway Committee within the defined land shall be undertaken in accordance with the requirements of the *Rail Safety Act 1998*;
- f) Advise the Council on recommended landscaping and other required facilities surrounding the railway station precinct; and
- g) Compliance with the MOU and Deed of Easement.

Current Membership

Nine (9)

- One (1) Councillor (currently delegate Cr Benn, proxy Cr Sexton);
- One (1) representative of the Chief Executive Officer (currently Mort Wignall);
- Seven (7) Community Members (currently Peter Mason, Brent Simpson, Ned Radford, Don Hair, Rhonda Hair, John Lewis & Bob Oliffe)

10.1.2.2 BUSHFIRE ADVISORY COMMITTEE

Summary

Established under *Section 67 of the Bush Fires Act 1954*.

Current Terms of Reference

The Bush Fire Advisory Committee is established for the purpose of:

- a) Advising the Shire regarding all matters relating to the preventing, controlling and extinguishing of bush fires;
- b) The planning of the layout of firebreaks in the district;
- c) Prosecutions for breaches of this Act;

- d) The formation of bush fire brigades and the grouping thereof under group brigade officers (in accordance with any local laws);
- e) Recommendations on Fire Control Officer positions;
- f) Feedback on the Council's Fire Break Notice;
- g) Specific requirements from each brigade with regard to:
 - Protective Personal Equipment;
 - Equipment and vehicles resources required; and
 - Training Requirements;
- h) The ensuring of cooperation and coordination of Bush Fire Brigades in their efforts and activities; and
- i) Any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.

Other:

- a) The Bush Fire Advisory Committee shall include an elected member of the Council;
- b) The committee shall elect one of their members to be chairman;
- c) The quorum required for the transaction of business at meetings of the committee is set at ten (10).

Current Membership

Twenty Two (20):

- The Bushfire Control officer from each Brigade (12);
- The Chief Bush Fire Control Officer;
- The Deputy Chief Bush Fire Control Officer;
- Muradup Town Fire Control Officer;
- The President of the Bushfire Association;
- A Councillor (Currently Cr Radford, proxy Cr Benn);
- CEO and two Council Officers; and
- Observer - The secretary of the Bushfire Association

10.1.2.3 SPORTING PRECINCT ADVISORY COMMITTEE
(Reference separate Agenda Item in this Agenda)

10.1.2.4 KOJONUP SPRING ADVISORY COMMITTEE
(Reference separate Agenda Item in this Agenda)

10.1.3 DELEGATES TO OTHER LOCAL & REGIONAL ORGANISATIONS

This category lists the outside organisations that the Shire is either:

- *A member of, and therefore needs representatives to attend meetings; or*
- *Invited to have a delegate to represent the Shire.*

The following local and regional organisations currently have Shire appointments as delegates:

- (i) Great Southern Zone of the WA Local Government Association
 - Members Cr Fleay and Cr Mathwin
 - Deputies Cr Benn and Cr Pritchard
- (ii) Southern Link VROC (Voluntary Regional Organisation Of Councils)
 - Members Cr Fleay and Cr Mathwin
 - Deputy Cr Benn
- (iii) Great Southern Joint Development Assessment Panel
(*Subject To Approval Of The Minister For Planning*)
 - Members Cr Fleay and Cr Pedler
 - Deputy Cr Pritchard and Cr Mathwin
- (iv) Great Southern Regional Road Group
 - Member Cr Benn
 - Deputy Cr Sexton
- (v) Kojonup Homes For The Aged Committee
 - Member Cr Mathwin
 - Deputy Cr Pritchard
- (vi) Kojonup Tourist Association
 - Member Cr Sexton
 - Deputy Cr Radford
- (vii) Kojonup Historical Society
 - Member Cr Pritchard
 - Deputy Cr Pedler
- (viii) School Bus Advisory Committee
(*Disbanded 2014*)
 - Member Cr Trethowan
 - Deputy Cr Pedler
- (ix) Regional Recreation Advisory Group
 - Member Cr Trethowan
 - Deputy Cr Fleay

CONSULTATION

No consultation has occurred.

STATUTORY REQUIREMENTS

The appointment of members to Committees and their operation is set out in *Sections 5.8 to 5.25 of the Act and Regulations 14 to 14B of the Local Government (Administration) Regulations, 1995.*

A local government may by absolute majority establish Committees comprising of 3 or more persons, be it elected members, employees and/ or other persons, to exercise the powers and discharge the duties of the local government that can be delegated to committees.

Section 5.10 allows the Shire President to be on any Committee that has an elected member as a member and also the CEO (or his representative) to be on any Committee that has an employee as a member.

POLICY IMPLICATIONS

There are no known policy implications.

FINANCIAL IMPLICATIONS

There are no known financial implications.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013 – 2023

Focus Area 1 – Being Well Governed.

Corporate Business Plan 2013 – 2017

Strategy 1.1.4 – Maintain robust systems and controls.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That:

- 1. The summary, terms of reference and membership structure of each formal Committee of the Council be endorsed;**
- 2. The membership of each formal Committee of the Council be as follows:**
 - (a) Audit Committee:**
 - Cr ;
 - Cr ;
 - Cr ;
 - Cr ;
 - Mr David Prasser-Jones (Community Member); and
 - Vacant (Community Member).
 - (b) Kodja Place Advisory Committee:**
 - Kojonup Tourist Association - delegate Ian Malane, proxy Jill House;
 - Kojonup Aboriginal Corporation - delegate Craig McVee;

- **Kodja Place Community Fund Inc. - delegate William Harvey;**
- **Rose Maze - delegate Cathy Wright;**
- **Community - delegate Barbara Hobbs, proxy Wendy Thorn;**
- **Councillor – Cr and Cr ;**
- **Manager Community Development & Tourism – Zahra Shirazee;**
- **Storyplace / Gallery Coordinator – Margaret Robertson; and**
- **Chief Executive Office – Rick Mitchell-Collins.**

(c) Blackwood Road Precinct Advisory Committee:

- **Kojonup Golf Club - ;**
- **Kojonup Tennis Club - ;**
- **Kojonup P&A Society - and ;**
- **Kojonup Gun Club - ;**
- **Kojonup Archery Club - ;**
- **Kojonup Pistol Club - ;**
- **Councillors – Cr and Cr ; and**
- **Staff - .**

3. The representation on the following other committees of Council be as follows:

(a) Kojonup Tourist Railway Advisory Committee:

- **Delegate Cr , proxy Cr ;**
- **Staff – Mort Wignall;**
- **Community Members: Peter Mason, Brent Simpson, Ned Radford, Don Hair, Rhonda Hair & John Lewis.**

(b) Bush Fire Advisory Committee:

- **Delegate Cr , proxy Cr ;**
- **CEO and two (2) Council Officers and .**

4. The Council endorse the following appointments of Councillors as delegates to local and regional organisations:

(a) GREAT SOUTHERN ZONE OF THE WA LOCAL GOVERNMENT ASSOCIATION

Members Cr and Cr
Deputies Cr and Cr

(b) SOUTHERN LINK VROC (Voluntary Regional Organisation of Councils)

Members Cr and Cr
Deputy Cr

(c) GREAT SOUTHERN JOINT DEVELOPMENT ASSESSMENT PANEL

(* subject to approval of the Minister for Planning)

Members Cr Fleay and Cr Pedler
Deputy Cr Pritchard and Cr Mathwin

(d) GREAT SOUTHERN REGIONAL ROAD GROUP

Member Cr
Deputy Cr

(e) KOJONUP HOMES FOR THE AGED COMMITTEE

Member Cr
Deputy Cr

(f) KOJONUP TOURIST ASSOCIATION

Member Cr
Deputy Cr

(g) KOJONUP HISTORICAL SOCIETY

Member Cr
Deputy Cr

(h) REGIONAL RECREATION ADVISORY GROUP

Member Cr
Deputy Cr

COUNCIL DECISION

/15 Moved Cr , seconded Cr

CARRIED/LOST

/

10.2 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY

AUTHOR: Anthony Middleton – Manager Corporate Services
DATE: Thursday, 8 October 2015
FILE NO: FM.FNR.2
ATTACHMENT: 10.2 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 30 September 2015.

BACKGROUND

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

COMMENT

The attached Statement of Financial Activity for the period 1 July 2015 to 30 September 2015 represents three (3) months, or 25% of the year. The following items are worthy of noting:

- Surplus position of \$3.35m;
- Operating results:
 - 50% of budgeted operating revenue received (rates raised and some significant grants invoiced); and
 - 19% of budgeted operating expenditure spent (excludes depreciation);
- Capital expenditure achieved 11% of budgeted projects;
- The value of outstanding rates equates to 22.0% of 2015/2016 rates raised, which includes instalments 2, 3 & 4, previous years arrears but excludes deferred rates (refer to page 17 of Attachment 10.2);
- Cash holdings of \$6.69m of which \$3.7m is held in cash backed reserve accounts;
- Page 7 & 8 of the statements in Attachment 10.2 detail major variations from year to date (amended) budgets in accordance with Council Policy 2.1.6.

CONSULTATION

Nil.

STATUTORY REQUIREMENTS

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/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023

Focus Area 1 - Being Well Governed

Corporate Business Plan 2013 – 2017

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

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications for this report.

ASSET MANAGEMENT PLAN IMPLICATIONS

There are no asset management implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the monthly financial statements for the period 1 July 2015 to 30 September 2015, as attached, be noted.

COUNCIL DECISION

/15 Moved Cr , seconded Cr

CARRIED/LOST /

10.3 MONTHLY PAYMENTS LISTING

AUTHOR: Brodie Potter – Finance Officer
DATE: Monday, October 12, 2015
FILE NO: FM.AUT.1
ATTACHMENT: 10.3 Monthly Payment Listing 01/09/2015 – 30/09/2015

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments covering the period September 2015.

BACKGROUND

Not applicable.

COMMENT

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

In accordance with the previous briefing session any comments or queries regarding the list of payments is to be directed to the Manager of Corporate Services via email prior to the meeting.

CONSULTATION

No consultation was required.

STATUTORY REQUIREMENTS

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

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

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

POLICY IMPLICATIONS

Council's Policy 2.1.2 provides authorisations and restrictions relative to purchasing commitments.

FINANCIAL IMPLICATIONS

All payments made in line with Council Policy.

STRATEGIC/CORPORATE IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

A control measure to ensure transparency of financial systems and controls regarding creditor payments.

ASSET MANAGEMENT PLAN IMPLICATIONS

There are no asset management implications for this report.

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 September 2015 to 30 September 2015 comprising of Municipal Cheques 13508 - 13520, EFT's 14611 - 14760 and Direct Debits 17992.1 – 18072.1 totalling \$942,215.05 and as attached to this agenda, be received.

COUNCIL DECISION

/15 Moved Cr , seconded Cr

CARRIED/LOST /

10.4 LOCAL GOVERNMENT PROPERTY LOCAL LAW – REPEAL

AUTHOR: Anthony Middleton – Manager Corporate Services
DATE: Thursday, 8 October 2015
FILE NO: LE.LCL.1
ATTACHMENT: 10.4.1 Proposed Shire of Kojonup Property Local Law
10.4.2 Existing Shire of Kojonup Property Local Law

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to recommend the repeal of the Shire of Kojonup Local Government Property Local Law and its replacement with a modernised version.

BACKGROUND

At its meeting held on 17 March 2015, the Council resolved:

‘that Council endorse a collaborative approach to a review of Local Laws of each Southern Link Voluntary Regional Organisation of Councils (VROC) member Council.

Advertising of the Council’s intention to review its local laws occurred on 13 May 2015 with a closing date for submissions being 1 July 2015. No submissions were received.

COMMENT

Due to the number of the Local Laws under review, reports and recommendations for the various Local Laws to be repealed/amended and adopted will be submitted individually over a period of approximately 12 months.

At a Southern Link VROC Chief Executive Officer (CEO) meeting held on 23 September 2015 the CEOs discussed and compared current Local Government Property Local Law with the Western Australian Local Government Association (WALGA) Model Local Law and were in agreement that the Model Local Law should be recommended for adoption acknowledging some slight differences between Councils.

It will therefore be recommended that the Shire of Kojonup Local Government Property Local Law be repealed and modernised with the Model Local Government Local Law.

A copy of the proposed Shire of Kojonup Property Local Law is attached for consideration. A copy of the existing Shire of Kojonup Property Local Law is also attached.

The current Shire of Kojonup Local Government Property Local Law as published in the Government Gazette on 16 May 2000 will be repealed as part of the process in adopting the new Shire of Kojonup Local Government Property Local Law 2015.

The Act requires that the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law.

The purpose and effect of the Shire of Kojonup Local Government Property Local Law 2015 is as follows:

Purpose of the Local Law:

The '**Purpose**' of this Local Law is to regulate the care, control and management of all property of the local government, except on thoroughfares.

Effect of the Local Law:

The '**Effect**' is to control the use of Local government property, and offenses created for inappropriate behaviour in or on local government property and to repeal the existing Property Local Law.

The Local Law will be the subject of state wide public notice in accordance with Section 3.12(3) noting a period of at least 6 weeks from the date that notice is given for the public to make submissions.

A copy of the Local Law will also be provided to the Minister for Local Government

Following this process, the proposed Local Law will then be referred back to the Council for consideration of any submissions received in relation to the Local Law and for the council to resolve whether or not to make the local law.

CONSULTATION

The review has occurred with the assistance of the Records Officer and is being undertaken as a joint project with the member Councils of the Southern Link VROC. Consultation has taken place with the Governance Department of the Western Australian Local Government Association.

STATUTORY REQUIREMENTS

Local Government Act 1995 – Section 3.16 requires that all of the Local Laws of a Local Government must be reviewed within an eight year period after their commencement or subsequent review, to determine if they should remain unchanged or be repealed or amended.

Section 3.12 sets out the procedures for making Local Laws.

A Council may determine (by absolute majority) whether or not it considers that a Local Law should be repealed or amended.

If a Council resolves to repeal and/or amend any Local Law, then the process to do so must be undertaken in the same manner as adoption of a Local Law as required under *Section 3.12*. If a Council resolves not to repeal and/or amend any Local Law, no further action is required and the review process is finalised.

POLICY IMPLICATIONS

There is no relevant policy for this report. It is the opinion of the author that policy development is not needed.

FINANCIAL IMPLICATIONS

Costs associated with the review will be advertising and gazettal of the reviewed Local Laws. There is provision within the budget for advertising and no un-budgeted costs will be needed.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023

Focus Area 1 - Being Well Governed

Corporate Business Plan 2013 – 2017

Strategy 1.1.3 – Support regional collaboration and resource sharing

Strategy 1.1.4 – Maintain robust systems and controls

The Southern Link VROC Strategic Directions 2015 – 2020 identifies at Goal Four (Increase capacity through collaboration) the following strategy:

Strategy 1 – ‘Share systems and processes between member LGAs’.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications for this report.

ASSET MANAGEMENT PLAN IMPLICATIONS

There are no asset management implications for this report.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION**That:****1. Following advertising of the review of the following Local Laws:**

- a) **Health Local Law**
- b) **Cemeteries Local Law**
- c) **Local Government Property Local Law**
- d) **Standing Orders Local Law**
- e) **Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law**

It is noted that no submissions were received.

2. State-wide public notice pursuant to *Section 2.13 (3) (a), (b), (c) and Section 3(a) of the Local Government Act 1995* of the Council’s proposal to make the ‘Shire of Kojonup Local Government Property Local Law’ be given.**3. After the last day for submissions, a further report be submitted to Council for consideration of any submissions received on the proposed local law.****COUNCIL DECISION**

/15 Moved Cr

, seconded Cr

CARRIED/LOST

/

11 WORKS & SERVICES REPORTS

Nil

12 **REGULATORY SERVICES REPORTS**

12.1 RETROSPECTIVE PLANNING APPROVAL FOR WORKSHOP, STORAGE USE OF SEACONTAINER AND CARETAKER'S DWELLING AT KOJONUP GRAIN HANDLERS LOT 55/56 THORNBURY CLOSE, KOJONUP

AUTHOR: Phil Shephard – Town Planner
DATE: Tuesday, 6 October 2015
FILE NO: DB.BDA.8
ATTACHMENT: **12.1 Plans and Application Letters**

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider a proposal for retrospective planning consent approval of several buildings on the above property as set out in the attachments.

The recommendation is to grant planning consent subject to conditions.

BACKGROUND

The property suffered from a fire recently and the previously approved caretaker's dwelling was destroyed. During the rebuilding it was uncovered that some of the other existing buildings had previously not received the necessary planning/building approvals and the landowner seeks to rectify this situation.

The Shire subsequently received this planning application.

COMMENT

Proposal

The proposal is to gain planning/building approval for the:

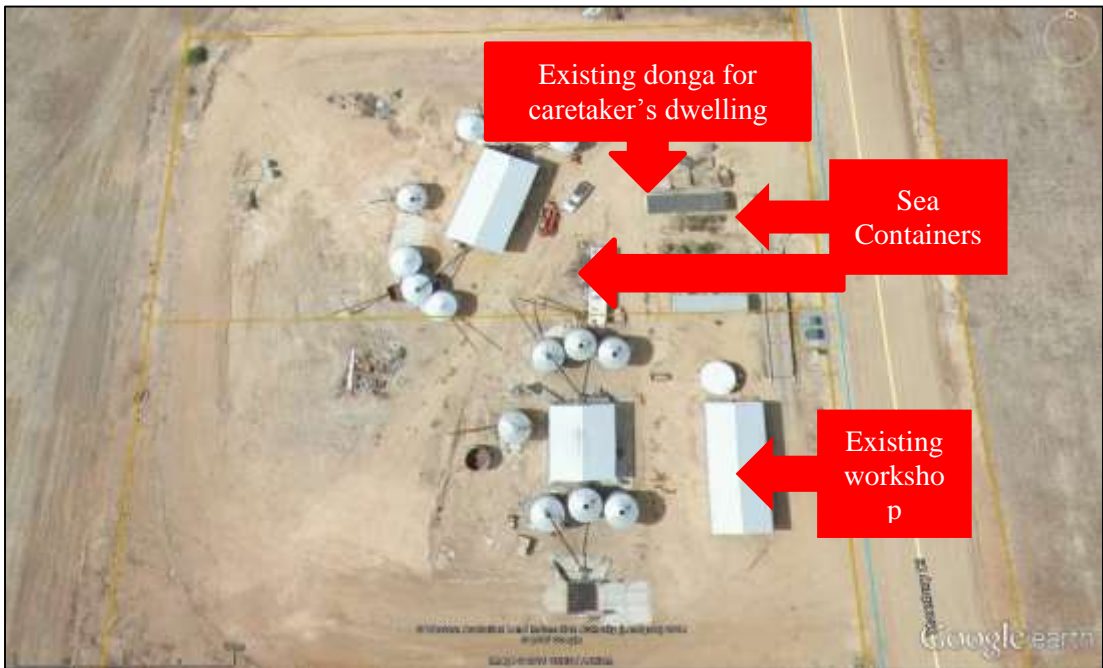
- 20m x 8m workshop which will include a 4m x 4m office area as shown in the attached plans. The workshop is constructed of steel frames and clad with zincalume for the walls/roof. The office area will have 2 new windows added to the walls.
- Use of the existing 3m x 10m 'donga' transportable building as a caretaker's dwelling. The caretaker's dwelling will include an adjoining 4.8m x 2.4m ablution as shown in the attached plans.
- 2 sea containers for storage purposes.

The landowner/applicant has advised that he will be the only occupant of the caretaker's dwelling. The location at the front of the premises is ideal to see incoming trucks to the weighbridge and for site security reasons.

The proponent advises that he has contracted the services of a Building Surveyor/Certifier to complete the necessary documentation for the building works for the workshop and caretaker's dwelling/ablution, etc...



Kojonup Grain Handlers Thornbury Close, Kojonup bordered in red (image Google earth)



Kojonup Grain Handlers (image Google earth)

Zoning and Land Use/Development

The land is zoned Industrial under the Shire of Kojonup Town Planning Scheme No. 3 (TPS3).

The objectives for the Industrial zone is set out in Clause 3.2.4 of TPS3 as follows:

The use of land in the Industrial Zone shall be consistent with the following objectives:

- (a) *To provide a location for light and service industries which operate as an integral part of the function of a town centre;*

- (b) *To provide a location for outlets that provide a service to the community and are compatible with the scale and operation of the town centre and surrounding areas.*
- (c) *To provide a location for diverse industries that would otherwise have a detrimental impact on the other uses in the town.*
- (d) *To provide a location where separate vehicular access is provided.*
- (e) *To provide a location for depots, warehouses, and large vehicle parking and servicing areas.*

The workshop has an established general/rural industry use. The caretaker's dwelling land use is permissible as an 'IP' incidental use within the Industrial zone. This means that the use is not permitted unless it is determined by Council that the use is incidental to the predominant use of the site.

Given the existence of the established seed cleaner operations on the site, the proposed caretaker's dwelling is small in area (approx. 42m²) when compared to the other buildings on the site and will only be occupied by the operator of the business, the proposal is considered to satisfy the incidental requirement under TPS3.

In accordance with Clause 5.4 of TPS3, any development of land shall conform to the requirements for that use in Table II – Development Table. As this proposal affects existing buildings, Council must determine the requirements to apply consistent with the predominant use and objectives for the zone.

Table II establishes setbacks, plot ratio, landscaping and car parking requirements for the various listed uses. The buildings achieve the required front/rear setback of 7.5m and the existing workshop has operated without complaint to the Shire.

The use of the 'donga' for the caretaker's dwelling which is positioned at the front of the site is supported, although some landscaping around the building is recommended to soften its appearance and improve amenity to the caretaker.

Retrospective Planning Consent

The Council can grant retrospective planning consent to uses or developments (Clause 6.3.6) under TPS3 as follows:

Clause 6.3.6 Unauthorised existing developments

- (a) *The local government may grant Planning Consent to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.*
- (b) *Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of Planning Consent, and the continuation of the development unlawfully commenced is taken to be lawful upon the grant of Planning Consent.*

Note: The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for a breach of the Scheme or the Act in respect of the commencement or carrying out of development without Planning Consent.

The proponent sought planning consent immediately upon being advised by staff that this was required. Given the circumstances surrounding the fire at the property and the prompt

response from the proponent, no further action regarding the breach of TPS3 is considered necessary or recommended.

Alternate Options

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

1 *Not approve the proposal*

The Council can choose to refuse to support the proposed shed. If this option was chosen the workshop would have to be demolished and the caretaker's dwelling could not be developed.

2 *Approve the proposal*

The Council can approve the proposal, with or without conditions.

3 *Defer the proposal*

The Council can choose to defer the matter for a period of time and seek additional information, if deemed necessary to complete the assessment, before proceeding to make a decision.

CONSULTATION

Nil undertaken or recommended.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

The adopted Town Planning Scheme Policy No. 1 Caretaker's Dwellings in the Kojonup Industrial Areas contains the following objectives:

- a) *To control the development of caretaker's dwellings in the Kojonup industrial area.*
- b) *To impose development standards on caretaker's dwellings.*

The Policy advises:

Council shall only permit the land use and development of a caretaker's dwelling on any lot in the Industrial zoned area subject to the following requirements:

- a) *A caretaker's dwelling will only be permitted where an existing industrial use exists and the caretaker's dwelling will be an 'IP' incidental use where the occupier is in direct charge of the operations/security of the premises or equipment;*
- b) *Only 1 caretaker's dwelling shall be permitted per lot;*
- c) *The caretaker's dwelling shall not exceed 100m² in internal floor area (excluding carports/garages and verandahs/patios etc.);*
- d) *Unless approved by Council, a caretaker's dwelling shall be located at the rear of the lot;*
- e) *Council will not support the subdivision of land that would enable a caretaker's dwelling to be sold separately from the industrial use of the land; and*
- f) *All occupiers of caretaker's dwellings in the Industrial zone acknowledge they occupy a residence in the industry zone and that industrial activities occur on the premises and on adjoining/nearby lots and their occupation is subordinate to these uses and development. Accordingly, Council may restrict the period of planning consent for any caretaker's dwelling to secure the long-term use and development of the land for industrial purposes.*

The proposed caretaker's dwelling complies with the Policy requirements, apart from being located at the front of the premises (see d) above).

FINANCIAL IMPLICATIONS

The adopted 2015/2016 Schedule of Fees and Charges requires planning application fees for retrospective approvals to be the original fee (\$147.00) plus, by way of penalty, twice that fee again (\$294.00) for a total fee of \$441.00.

The proponent requests that Council waive the penalty/additional fees (\$294) in the circumstances due to the recent fire.

STRATEGIC/CORPORATE IMPLICATIONS

This item is not covered in the Community Strategic Plan 2013 – 2023.

RISK MANAGEMENT IMPLICATIONS

The item covers several risk areas to Council including strategy and planning, community, environment and heritage, legal and political and services and functions. The organisational risk and proposed treatment or mitigation is summarised in the following table:

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
Council does not grant retrospective planning consent for the workshop	Unlikely	Minor	Low	Manage by routine procedures, unlikely to need specific application of resources.
Council does not approve the caretaker's dwelling	Unlikely	Minor	Low	Manage by routine procedures, unlikely to need specific application of resources.
Council does not approve the sea containers	Unlikely	Minor	Low	Manage by routine procedures, unlikely to need specific application of resources.

ASSET MANAGEMENT IMPLICATIONS

Nil applicable.

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION**That Council:**

- 1) **In accordance with Clause 6.3.6 of Town Planning Scheme No. 3 grant retrospective planning consent for the workshop and sea containers (2) on Lot 55/56 Thornbury Close, Kojonup subject to the following conditions:**
 - a) **Obtain a Building Permit for the new office area/sea containers.**
 - b) **Obtain a Building Approval Certificate for the workshop.**

- 2) **Requires payment of the penalty fee of \$294.00 for the retrospective application fees.**

- 3) **In accordance with Clause 6.3.2 of Town Planning Scheme No.3 grant planning consent for the caretakers' dwelling on Lot 55/56 Thornbury Close, Kojonup subject to the following conditions:**
 - a) **Obtain a Building Approval Certificate for the existing 'donga' building.**
 - b) **Obtain a Building Permit for the ablution block.**
 - c) **Connect the buildings to the Water Corporation's reticulated water supply network.**
 - d) **Provide a suitable method of on-site effluent disposal for the ablutions to the satisfaction of the Environmental Health Officer.**
 - e) **Undertake some landscaping around the caretaker's dwelling to screen the building from the road to the satisfaction of the Chief Executive Officer.**
 - f) **The occupiers of caretaker's dwellings in the Industrial zone acknowledges he will occupy a residence in the Industrial zone and that general/rural/light/service industrial activities occur on the premises and on adjoining/nearby lots and the occupation of the caretaker's dwelling is subordinate to these industrial uses and development.**

COUNCIL DECISION

/15

Moved Cr

, seconded Cr

CARRIED/LOST

/

25 SEP 2015

CFO RICK MITCHELL COLLINS
DEAR SIR

I WISH TO APPLY FOR APPROVAL
TO UTILISE AN EXISTING PORTABLE
BUILDING LOCATED ON MY INDUSTRIAL
LOT 50 THORN BURY CLOSE KADUNA
FOR THE PURPOSE OF CARE TAKER
ACCOMMODATION.

I PROPOSE TO CONNECT THE
TRANSPORTABLE UNIT TO AN EXISTING
SEPTIC TANK AND LEACH DRAIN LOCATED
ON THE PREMISES.

I ADVISE THAT I WILL BE THE
ONLY OCCUPIER OF THE CARE TAKER
ACCOMMODATION IF APPROVED

THOMAS RYAN
25/9/15

SCHEDULE III(A) APPLICATION FOR PLANNING CONSENT
FORM 1

SHIRE OF KOJONUP
TOWN PLANNING SCHEME NO. 3

APPLICATION FOR PLANNING CONSENT

Name of Owner of Land) Surname LEUME PTY LTD
 on which development) Christian Names
 proposed) Address in Full PO BOX 73 KOJONUP

Submitted by THOMAS LINDSAY RYAN ; SOLE DIRECTOR LEUME PTY LTD
 Address for Correspondence PO BOX 73 KOJONUP

Locality of Development LOTS 55 & 56 THORNBURY CLOSE

Titles Office Description of Land:
 Lot No 55 & 56 Street THORNBURY CLOSE Loc No
 Plan or Diagram Certificate of Title Vol Folio

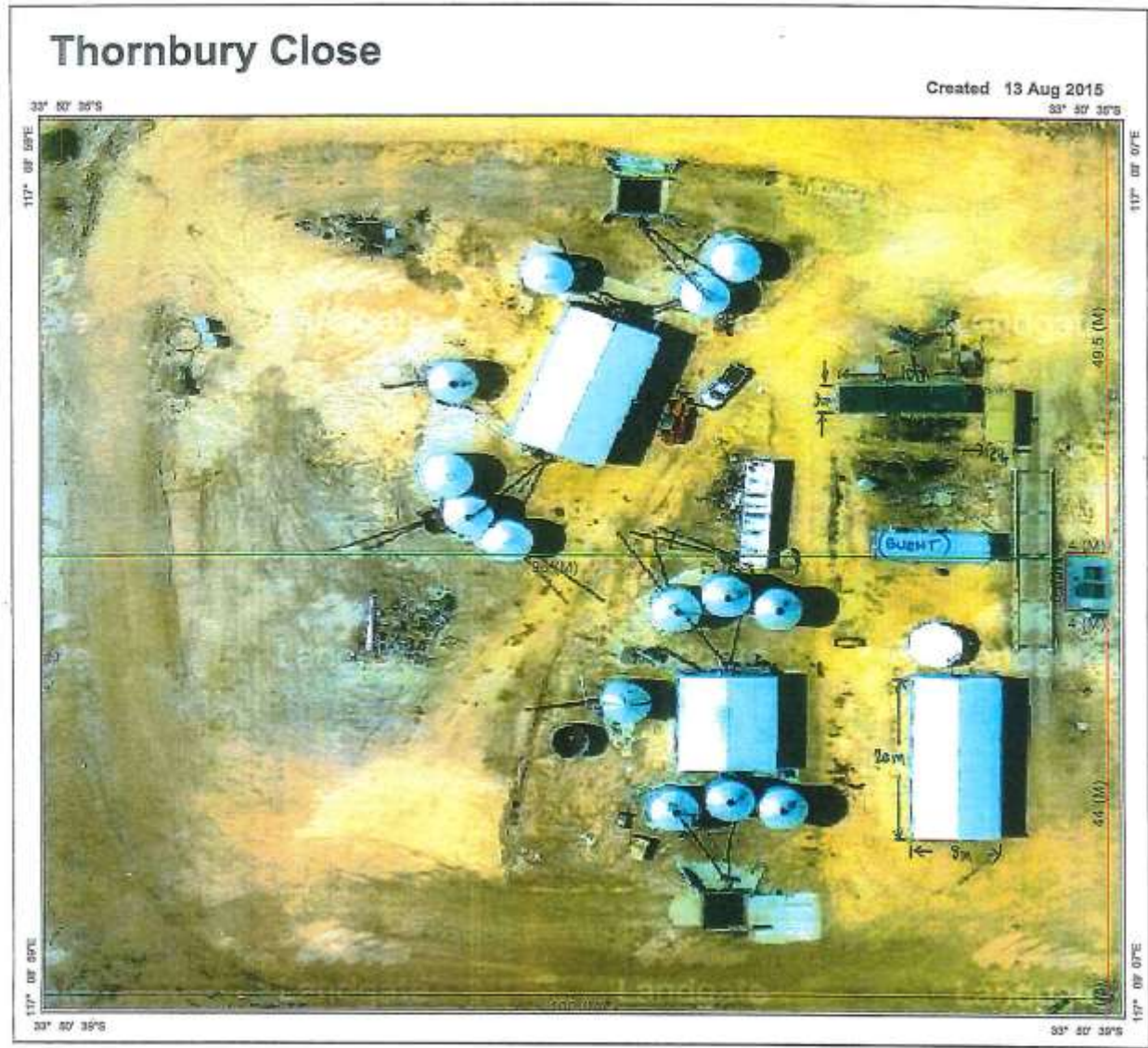
The type of development and the nature of the proposed buildings are as follows:
SEEK RETROSPECTIVE APPROVAL FOR GARAGE/WORKSHOP ; TRANSPORTABLE BUILDING (TO BE CONVERTED INTO A CARETAKER'S DWELLING) & SEA CONTAINER (STORAGE)

The approximate cost of proposed development is \$15000
 The estimated time of completion is 3 MONTHS FOR CONVERSION
 The approximate number of persons to be employed when the development is completed is

Three copies of the Site Plan and other necessary plans of the proposals are submitted with this application.

Signed by the Owner of the Land 

NOTE: A separate application is required to be submitted to the Council for a building licence (where applicable).



55

25



Scale: 1:500

Description:
 SITE PLAN - EXISTING
 TRANSPORTABLE &
 WORKSHOP GARAGE

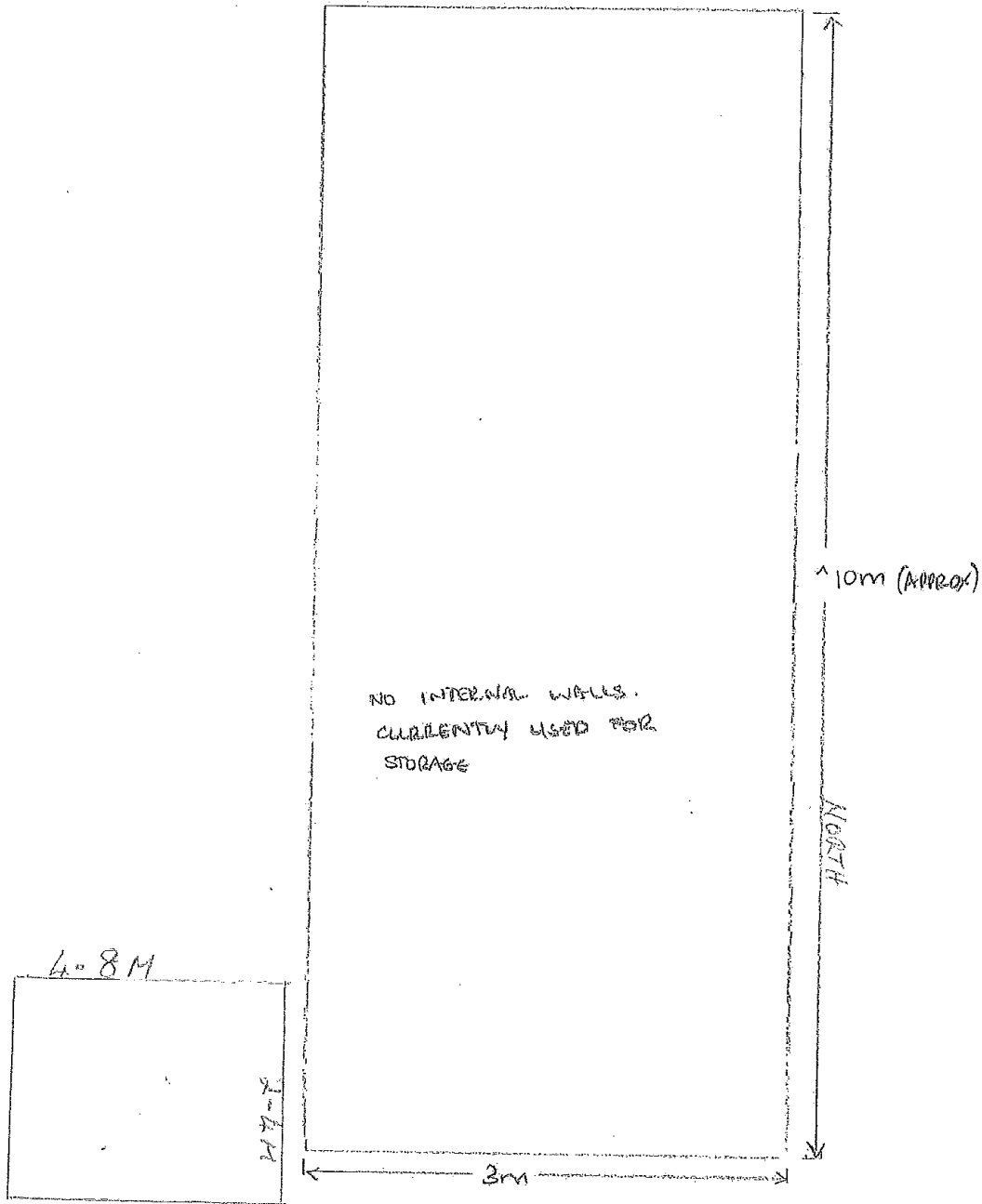
Map Projection: GDA 94 (Lat/Long)

Datum: Geocentric Datum of Australia
 1994

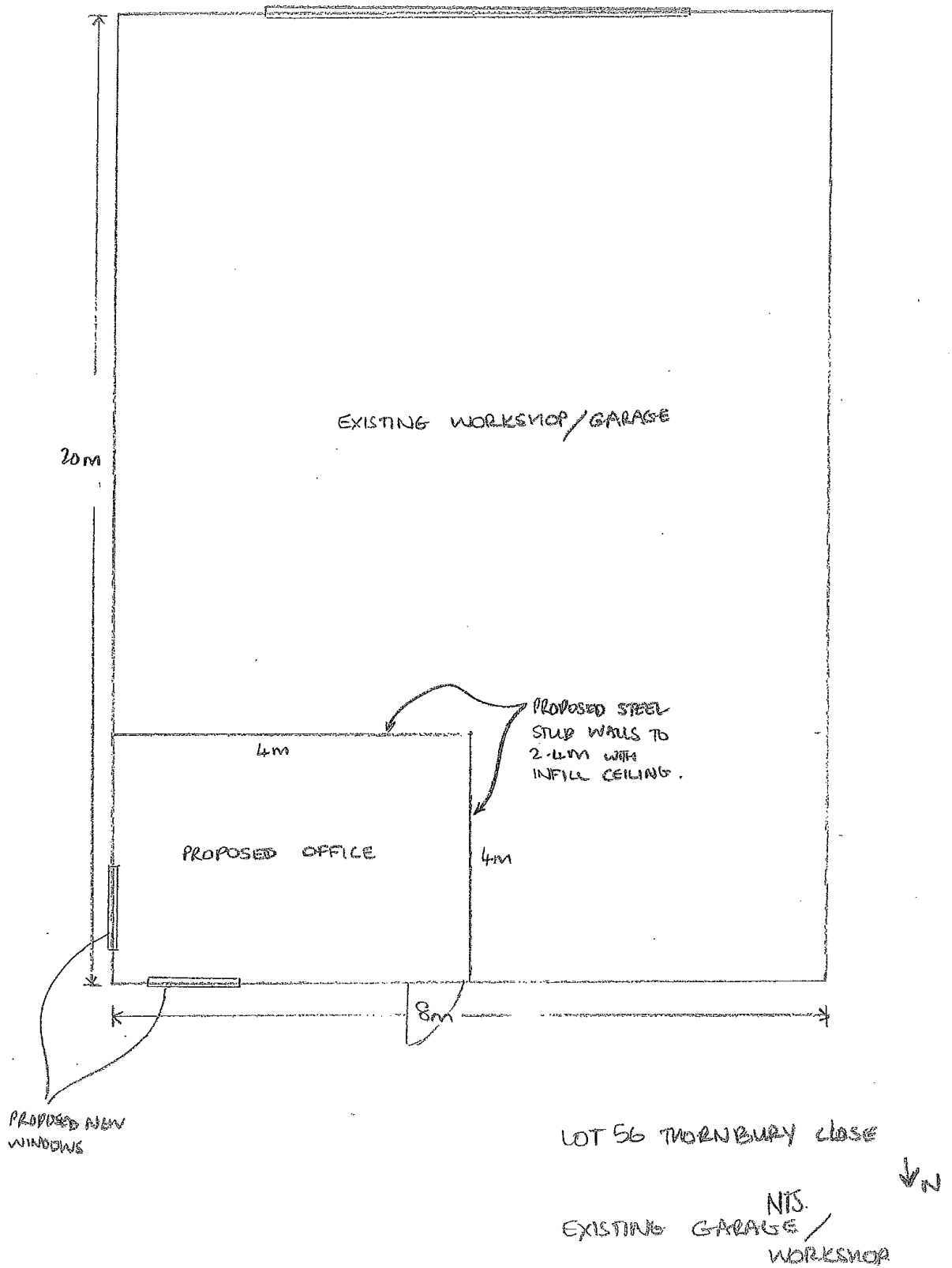
1 Midland Square
 Midland WA 8058
 (08) 9273 7341
customerservice@landgate.wa.gov.au
www.landgate.wa.gov.au



© Western Australian Land Information Authority 2007



Lot 55 THORNBURY CLOSE
EXISTING "DONGA".
N.T.S.



Retrospective Permission - Phil Shephard

Page 1 of 1

Retrospective Permission

Tom Ryan <kojonupgrainhandlers@gmail.com>

Fri 2/10/2015 9:32 AM

To: Phil Shephard <planner@kojonup.wa.gov.au>;

Dear Phil,

My most sincere apologies for the delay in writing to you with regard to the subject of seeking retrospective approval for the existing Garage/Workshop and the existing Donga/storage unit.

Mr Ryan proposes to continue to use the Garage/workshop as such, but to add some furniture into a corner of the shed for part time use as an office, using portable partitions to section this area from the rest of the shed. With the office view in mind, it is proposed to add a couple of windows to the corner to allow viewing of arriving trucks and their license plates as they roll onto the weighbridge..

I have engaged the services of Mr David Mexsom Building Surveyor to come assess and hopefully issue a certificate of building compliance for the existing workshop and the donga. At present, his schedule for the assessment is unknown.

The donga/storage is proposed to be used as a caretakers dwelling, the donga is set to the front of the block at present and it would be advisable/sensible for it to remain there, as its position provides instant viewing and this aids in the security of the premises. It also is in close proximity to the existing septic tanks, which were used for the previous office/caretakers dwelling. Further to this, it is proposed to add an ablution block in the near future, plans for which are to be forthcoming. The proposed block has been made in Australia and I believe, complies with Australian Standards in regard to plumbing and fixtures. I am forwarding the details via email that we have received from the sellers.

We have been made aware of the additional fees incurred in this matter and respectfully request you consider waiver of these fees.

I believe that hard copies of the aerial plan complete with set back distances and floor plans for the two buildings along with the planning application form are to be handed in to the shire offices today, Friday Oct 2.

I hope that this letter has covered all that you require at present. Should you require anything more, please let myself and Tom know via email.

Yours sincerely,

Heather Brown,
for and on behalf of
Tom Ryan,
sole Director,
Leume Pty Ltd
Kojonup Grain Handlers.

--

Tom Ryan

12.2 PROPOSED NEW PRICE BOARD SIGN FOR KOJONUP HILLVIEW ROADHOUSE

AUTHOR: Phil Shephard – Town Planner
DATE: Monday, 12 October 2015
FILE NO: BD.DBA.8
ATTACHMENT: 12.2 Main Roads Correspondence (Dated 11 September 2015).

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider a proposal to construct a new price board sign for the roadhouse business. The proposed sign does not comply with Council's adopted Policy and must be presented to Council for a decision.

The recommendation is to refuse the application and advise that a smaller reduced size sign would be acceptable.

BACKGROUND

Staff, under delegated authority, approved new signs at the Kojonup Hillview Roadhouse and Hillview Motel in August 2015 due to a change in fuel supplier to the business. These signs were replacements for the existing signs.

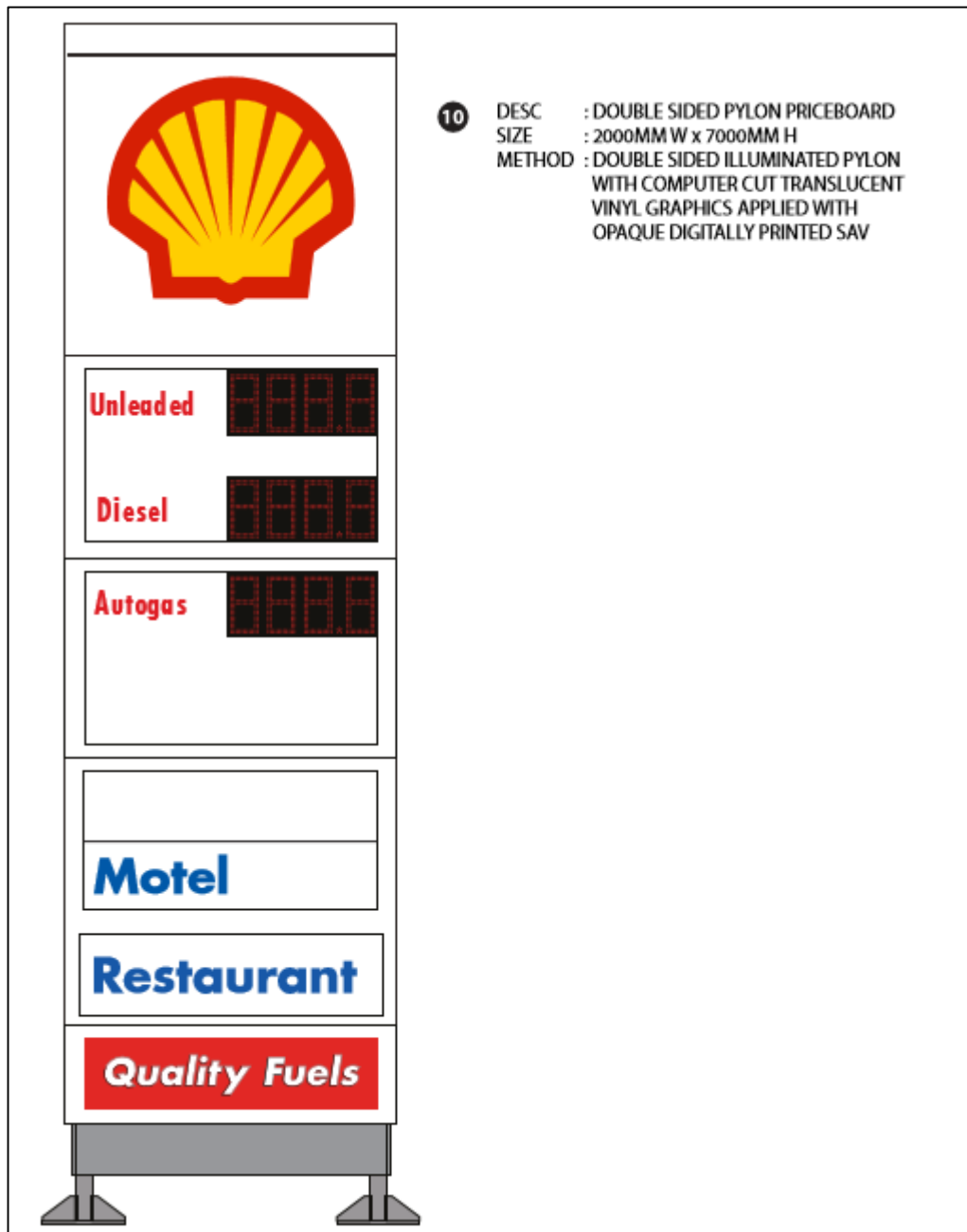
The proposed new price board sign was not approved by staff at that time and the proponent was advised:

The proposed new price board sign is (sign 10) is 7m high by 2m wide (14m²) and significantly larger than the existing sign and is not considered exempt under the classifications for either commercial or industrial purposes in Schedule VI of TPS3. This sign will be referred to Council for their consideration as set out in the adopted Policy requirements. As part of the assessment report and given the proximity of the new price board sign to Albany Highway, it will be referred to Main Roads (WA) for their comment.

Subsequently, comments have been received from Main Roads WA (copy of correspondence attached) which advises the sign does not require their approval as it is within the town site and outside of the highway road reserve. They have assessed the sign and advise it complies with their Policy.

COMMENTProposal

The proposed price board sign will be 2m wide by 7m high and include logo, prices for diesel, petrol and autogas, advertising for restaurant and motel as shown in the image below:



Proposed New Price Board Sign

The existing price board and proposed new price board sign positions and relative sizes are shown in the images below:



Existing Price Board Sign Looking North Towards Kojonup-Katanning Road, School, Albany Highway



New Price Board Sign Looking North Towards Kojonup-Katanning Road, School, Albany Highway



Existing Price Board Sign Looking South Albany Highway



New Price Board Sign Looking South Along Albany Highway

Zoning and Land Use/Development

The service station/roadhouse is on Lot 5 which is 2,327m² in area and contained within the Special Use zone under TPS3. Clause 3.5 Special Use zone advises that no person shall use any land/buildings or structure except for its special purpose, in this instance a SS = service station use/development, subject to any conditions in the Schedule II or a Town Planning Scheme Policy that affects the land.

The objectives for the Special Use zone (Clause 3.2.5) are:

- (a) *To provide an area where special uses can be operated under the specific control of the Council in order to maintain the safety, health and welfare of surrounding users.*
- (b) *To enable the Council to impose specific conditions to restrict the use and operation of any development that would normally not fit within the ambit of any other zone in this Scheme.*

The objectives for the TPS3 (Clause.1.6) are:

The intent of the Scheme is to direct and control development in the Scheme Area in such a way as shall promote and safeguard health, safety, convenience and economic and general welfare of its inhabitants, the amenities of the area and the environment.

Advertising Signs

Clause 5.17 of TPS3 Control of Advertising is used to control advertising signs within the Shire. In respect to sign applications, Clause.5.17.3 Consideration of Applications states:

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

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

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

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

Schedule VI Exempted Advertisements pursuant to Clause.5.17 of Town Planning Scheme 3 includes the following exemptions:

<i>Land Use and/or Development Requiring Advertisement</i>	<i>Exempted Sign Type and Number (Includes the Change of Posters on Poster Signs and Applies to all Non-Illuminated Signs Unless Otherwise Stated)</i>	<i>Maximum Area of Exempted Sign</i>
<i>Shops, Showrooms and other uses appropriate to a shopping area</i>	<i>All advertisements affixed to a building below the top of the awning or, in the absence of an awning, below a line measured at 5m from the ground floor level of the building</i>	<i>N/A</i>
<i>Industrial and Warehouse Premises</i>	<i>A maximum of 4 advertisements to or affixed to the walls of the building but not including signs</i>	<i>Total area of any such advertisements shall not exceed 15m²</i>

<i>Land Use and/or Development Requiring Advertisement</i>	<i>Exempted Sign Type and Number (Includes the Change of Posters on Poster Signs and Applies to all Non-Illuminated Signs Unless Otherwise Stated</i>	<i>Maximum Area of Exempted Sign</i>
	<i>which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building. A maximum of 2 free-standing advertisements signs not exceeding 5m in height above ground level.</i>	<i>Maximum permissible total area shall not exceed 10m² and individual advertisement signs shall not exceed 6m²</i>

Town Planning Scheme 3 Considerations

The Scheme (Clause.6.3.2) requires the Council have regard to a number of matters which are discussed below in considering whether to approve/refuse the application:

Matter to be Considered	Response
Any matter which it is required by the Scheme to consider	This includes those matters discussed above. The proposal to replace the existing small price board sign with the much larger price board sign is not considered to be compliant with the matters contained in the Scheme namely the requirements under Clause.5.17 Control of Advertising or the adopted TPS3 Advertising Signs.
The purpose for which the land is reserved, zoned or approved for use under the Scheme	The land is zoned and used specifically for the service station development and the replacement of the signs to reflect the change of fuel supplier is consistent with the purpose for the zoning and use of the land.
The purpose for which the land in the locality is used	The lot is within an area containing a mixture of uses including service station, church, residential (single houses), commercial (motel, take away food outlet) and public purposes (school).
The orderly and proper planning of the locality	The proposal to replace the signs is considered consistent with the orderly and proper planning of the locality.
The preservation of the amenities of the locality	The proposal to replace the signs (excepting the new price board sign) is not expected to adversely affect the existing amenity of this area The new price board sign is significantly larger than the existing price board sign

	and will dominate the view of the service station site travelling along Albany Highway and this may be considered to change and as a consequence adversely affect the visual amenity of the area.
--	---

Alternative Decisions

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

1. *Not approve the proposal*
The Council can choose to refuse to approve the proposed sign and advise the proponent giving reasons. If this option was chosen, the sign would not be able to be changed.
2. *Approve the proposal*
The Council can choose to approve the proposal, with or without conditions.
3. *Defer the proposal*
The Council can choose to defer the matter for a period of time and seek additional information from the proponents, if deemed necessary to complete the assessment, before proceeding to make a decision. Alternatively Council may seek public submissions if this was considered to assist the determination.

CONSULTATION

The proposed new price board sign was referred to Main Road WA for comment. Their response is attached.

STATUTORY REQUIREMENTS

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

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

POLICY IMPLICATIONS

The adopted TPS3 Advertising Signs advises that any advertising sign that is not exempt under TPS3 shall be assessed in accordance with the Policy and any application that does meet these Policy requirements will be submitted to Council for consideration.

The Policy includes a Table indicating the types of permissible signs within each zone under TPS3. Roof, wall, projecting, window, pylon, on-ground, panel, product display, public information and business direction signs are permissible types of sign in the Commercial zone under the Policy. Whilst the roadhouse is within a Special Use zone for its service station use, the commercial zone is considered to provide a reasonable guide to the types of signs expected on a similar and adjoining site.

As mentioned in the background, staff under delegated authority approved the replacement of the other existing signs on the roadhouse site includes roof, wall, window, on-ground and billboard/hoarding signs. All of those signs were consistent with the Policy standards.

In respect to the new price board sign, the Policy advises:

When considering a proposal for any new advertising sign, Council will have regard to:

- a) *The approved land use and activities operating on the site and the need and purpose for the sign;*
- b) *The compatibility of the sign with any existing signs on the site and other approved signs for similar activities;*
- c) *Whether the sign complements or detracts from the dominant character of the surrounding landscape and the architectural style and character of the building, site or area;*
- d) *The impact of the sign on vehicular and pedestrian traffic and surrounding land uses and its size, design, location or the use of illumination or devices such as flashing or moving elements; and*
- e) *Whether rationalisation or reduction in the number of existing signs is appropriate and achievable.*

Council will not approve any advertising sign that in its opinion will have an adverse visual impact on surrounding land and buildings, streetscape and/or the overall locality.

These factors are discussed below:

Factor	Comment
<p><i>(c.5.17.3) Consideration of Applications</i> <i>To erect, place or display an advertisement, the Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, the amenity of adjacent areas which may be affected and traffic safety.</i></p>	<p>The new price board sign is substantially larger than the existing price board sign. The new sign will be setback further from Albany Highway than the existing sign. The new price board sign has been assessed by Main Roads and does not conflict with their Policy. The prices for fuel is required to be displayed by suppliers in accordance with State legislation. Whilst the need to update the existing signs due to a change in supplier is accepted, the proposed new price board sign which includes other information not relevant to fuel prices, is not considered necessary and the sign should be reduced in size. As an example, using the industrial/warehouse standard in TPS3, would exempt this type of sign with a maximum area of 6m² (the proposed sign is 14m² each side).</p>
<p><i>Policy Requirements</i> a) <i>The approved land use and activities operating on the site and the need and purpose for the sign;</i></p>	<p>The site has an approved service station/roadhouse use and activities. The price board sign is needed to comply with State legislation and displays the available fuel prices. The proposed new price board sign also contains sign panels with information relating to the quality fuels, restaurant, motel and the large logo panel. These are not relevant to the need for the price board sign and could be removed. This would</p>

	<p>reduce the overall height of the sign. The display of the Shell logo at the top of the sign is also not relevant to price of fuel and could be removed or substantially reduced in size.</p>
<p><i>b) The compatibility of the sign with any existing signs on the site and other approved signs for similar activities;</i></p>	<p>The proposed new price board sign is considered to be a pylon type sign and is substantially larger than other pylon type signs erected in Kojonup.</p> <p>The standards for pylon signs in the Policy include:</p> <ul style="list-style-type: none"> • 1 pylon sign per tenancy/business. • have a minimum clearance of 2.4m from ground level; • not be more than 4m above ground level; • not exceed 2m measured either vertically or horizontally across the face of the sign; and • not be greater than 4m² in area. <p>There are a total of 4 sites in Kojonup available for service station use with only 2 sites operating. The service station on the corner Benn Parade/Albany Highway was approved to reopen by Council in February 2009. Recently a large price board sign has been erected on the site without the necessary planning/building approvals being in place and staff are following the matter up. The proposed new price board sign for Shell is larger in area than this unauthorised sign in any case.</p>
<p><i>c) Whether the sign complements or detracts from the dominant character of the surrounding landscape and the architectural style and character of the building, site or area;</i></p>	<p>As can be seen from the images in the report, the proposed new price board sign will be a dominate fixture at the intersection and when travelling past the site along Albany Highway.</p> <p>The sign is very large and should be reduced in height to match the height of the building or similar to ensure it does not detract from the surrounds and site.</p>
<p><i>d) The impact of the sign on vehicular and pedestrian traffic and surrounding land uses and its size, design, location or the use of illumination or devices such as flashing or moving elements; and</i></p>	<p>The proposed price board sign is located clear of the footpath/verge area and the illumination is not expected to adversely traffic/pedestrians in the area.</p> <p>Main Roads have assessed the proposed new price board sign and do not object to the sign being approved. They advise that the clear zone should be 3.5m for a 50km/h speed zone.</p>

e) <i>Whether rationalisation or reduction in the number of existing signs is appropriate and achievable.</i>	As mentioned previously, a price board sign is required by State legislation and must display fuel prices available at the site. The sign does not need to contain other information not relevant to fuel prices and should be removed. This would have the effect of reducing the overall height of the sign.
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In considering the weight to be applied to a Policy when considering an application, Clause 7.6.4 of TPS3 states:

A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve before making its decision.

FINANCIAL IMPLICATIONS

The applicant is required to pay the application fee of \$147.00 as set out in the adopted 2015/2016 Schedule of Fees and Charges.

STRATEGIC/CORPORATE IMPLICATIONS

This item is not covered in the Community Strategic Plan 2013 – 2023.

RISK MANAGEMENT IMPLICATIONS

The item covers several risk areas to Council including strategy and planning, community, environment and heritage, legal and political and services and functions. The organisational risk and proposed treatment or mitigation is summarised in the following table:

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
Council does not approve the replacement of the price board advertising sign	Likely	Insignificant	Low	Manage by routine procedures, unlikely to need specific application of resources.

ASSET MANAGEMENT IMPLICATIONS

Nil applicable.

VOTING REQUIREMENTS

Simple Majority

COUNCIL RECOMMENDATION**That Council:**

- 1) Refuse the proposed new price board sign for the Kojonup Hillview Roadhouse on the basis that the sign will display information that is not relevant to the fuel price (i.e. motel, quality fuels. Logo, restaurant) and greatly exceeds the adopted Policy standards for pylon signs.**
- 2) Council would be prepared to approve a price board sign that achieves the following requirements:**
 - Not exceed 7m in height above ground level (where pedestrian clearance below the sign of 2.4m is provided) or 4.5m in height above ground level (where the sign meets ground level)**
 - Not exceed 2m in width.**
 - In all cases not exceed 8m² in area per side.**
 - Includes only fuel prices and/or small company logo.**
- 3) Delegate authority to the Chief Executive Officer to approve a new planning application for a price board sign at the Kojonup Hillview Roadhouse that complies with 2) above.**

COUNCIL DECISION

/15

Moved Cr

, seconded Cr

CARRIED/LOST

/



ABN: 50 860 676 021

Enquiries: Lindsay Mccartin on 08 9892 0555
Our Ref: 04/12862
Your Ref: OPA6408; DB.BDA.8; A10637

11 September 2015

Chief Executive Officer
Shire Of Kojonup
PO Box 163
KOJONUP WA 6395

ATTENTION: PHIL SHEPHARD

Dear Sir

PLANNING APPLICATION FOR NEW PRICE BOARD SIGN AT KOJONUP HILL VIEW ROADHOUSE, ALBANY HIGHWAY KOJONUP

Thank you for your letter dated 24 August 2015 requesting Main Roads comment on the proposed price board sign at the Kojonup Hill View Roadhouse.

As advised in your letter, Main Roads approval for this sign is not required as it is within a designated townsite and is outside the road reserve.

Main Roads have assessed this sign in accordance with the Main Roads Policy and Application Guidelines for Advertising Signs June 2015. Main Roads have assessed the sign under road safety guidelines and provide the following comments:

- Clear zone criteria only applies to advertising devices that are located within State road reserves. The clear zone for a 50km/h speed zone within this road environment would be 3.5m;
- The maximum available area of any face of an advertising device is 85m²;
- Advertising displays that have the potential to unduly distract drivers due to their design form, orientation or physical size, or iridescence, lustre or brilliance of reflected light, shall not be permitted;
- Advertising signs likely to dazzle or distract drivers due to their brightness, high light emissions and/or frequent flashing, shall not be permitted.

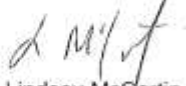
Main Roads suggest that the Shire review footing and fixing details to ensure the sign has sufficient footings and fixings for the design wind category.

The sign does not appear to impede sight line from the Intersection and is sufficiently set back.

The proposed sign appears to satisfy the above criteria.

If you require any further information please contact Lindsay McCartin on 08 9892 0555. In reply please quote file reference 04/12862.

Yours faithfully



Lindsay McCartin
NETWORK MANAGER

12.3 PROPOSED INTERPRETATION STRATEGY FOR FUTURE USE AND DEVELOPMENT OF KOJONUP RAILWAY STATION AREA

AUTHOR: Phil Shephard – Town Planner
 DATE: Monday, 12 October 2015
 FILE NO: RC.MUS.4
 ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider a quote to undertake the preparation of an Interpretative Strategy for the railway station precinct.

The recommendation is to accept the quotation.

BACKGROUND

Council at its 21 July 2015 meeting considered the submissions received from the advertising of the proposal to locate the steam locomotive at the railway precinct and resolved (Resolution 112/15) as follows:

That Council:

- 1) *Advise the Kojonup Tourist Railway Inc. that whilst Council supports the concept of relocating a steam locomotive within the railway precinct formal approval is subject to the following actions being undertaken:*
 - i) *An overall plan for the railway heritage precinct is prepared that can guide future uses and developments within the reserve.*
 - ii) *Consultation is undertaken with a Heritage and/or Interpretation Consultant, Kojonup Tourist Railway Inc., Kojonup Visitor Centre, Kojonup Historical Society and State Heritage Office including further opportunity for landowner and public comment as part of developing the plan.*

COMMENT

A quotation was sought from the Heritage Consultant currently reviewing the Municipal Heritage Inventory. The quote is for the amount of \$10,769.09 (ex GST) and will complete the following tasks by March 2016:

- Provides an overall plan for the railway heritage precinct to guide future use and development within the railway reserve.
- Recommendations on the siting and use of future developments within the precinct based on existing heritage values for the site.
- Incorporates consultation with the Kojonup Tourist Railway Inc., Kojonup Visitor Centre, Kojonup Historical Society and State Heritage Office.
- Includes opportunities for additional landowner and public comment.

FINANCIAL IMPLICATIONS

There is no amount contained within the adopted 2015/2016 Budget for this project and Council will need to reallocate funding if the project is to proceed.

STRATEGIC/CORPORATE IMPLICATIONS

This item is not covered in the Community Strategic Plan 2013 – 2023.

RISK MANAGEMENT IMPLICATIONS

The item covers several risk areas to Council including strategy and planning, community, environment and heritage, legal and political and services and functions. The organisational risk and proposed treatment or mitigation is summarised in the following table:

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
Council does not undertake the preparation of the interpretative plan for the railway station precinct	Likely	Insignificant	Low	Manage by routine procedures, unlikely to need specific application of resources.

ASSET MANAGEMENT IMPLICATIONS

Nil applicable.

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

That Council accepts the quotation from Helen Munt (Heritage Consultant) for \$10,769.09 (excluding GST) to complete the Interpretation Strategy for Future Use and Development at the Kojonup Railway Station precinct and Council to reallocate funds from Account Code 8324.

COUNCIL DECISION

/15 Moved Cr , seconded Cr

CARRIED/LOST /

13 EXECUTIVE & GOVERNANCE REPORTS

13.1 PROPOSED KOJONUP LOGO

AUTHOR: Hannah Robinson- Community Development Officer- Events and Promotions
DATE: Tuesday, 14 October 2015
FILE NO: CR.CPI.1
ATTACHMENT: 13.1 Final Logo Design

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is for council to consider and adopt the logo options put forward by Market Creations for the rebranding of the Kojonup Shire logo. The recommendation is to accept and adopt the rebranded logo.

BACKGROUND

A proposal was sent out to numerous companies who were selected from the WALGA preferred supplier list. A branding summary was then created (please see attached Kojonup Branding Summary) and the preferred supplier for the Kojonup rebrand was chosen.

Information on the town was compiled including marketing reports and plans along with links to all of Kojonup's related websites so Market Creations could gain an insight on Kojonup.

The first logo workshop was held on the 9 June 2015 with discussion revolving around what elements and colours should be included in the logo that would best represent Kojonup.

The first logo concepts received did not capture the Shire's intent for the new logo. Craig McVee created a concept which encapsulated the following:

- Noongar culture & seasons
- Noongar's first meeting with the Wadjela at the Kojonup Springs
- Culturally moving forward together
- Also drawing on Kojonup's farming background (please see attached for original sketch).

COMMENT

The logo design is now presented to Council for consideration and adoption.

CONSULTATION

Jodi Elston – Sales consultant from Market Creations
Council Work Shops and Briefing Sessions

STATUTORY REQUIREMENTS

There are no statutory requirements for this report

POLICY IMPLICATIONS

There are no policy implications related to this report.

FINANCIAL IMPLICATIONS

For the 2015-2016 budget \$19,773.00 was put aside for the new corporate logo and associated costs.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023

Focus Area 1.5 – Staying Active and Entertained

Corporate Business Plan 2013 – 2017

Strategy 1.5.1 – Promote Kojonup as a place to live and visit

RISK MANAGEMENT IMPLICATIONS

Ensure compliance with relative signage legislation, particularly on main roads and adopt safe work measures in erecting signage.

ASSET MANAGEMENT PLAN IMPLICATIONS

Costs for new signage, maintenance thereof and future replacements.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council accept and adopt the newly branded corporate logo.

COUNCIL DECISION

/15 Moved Cr

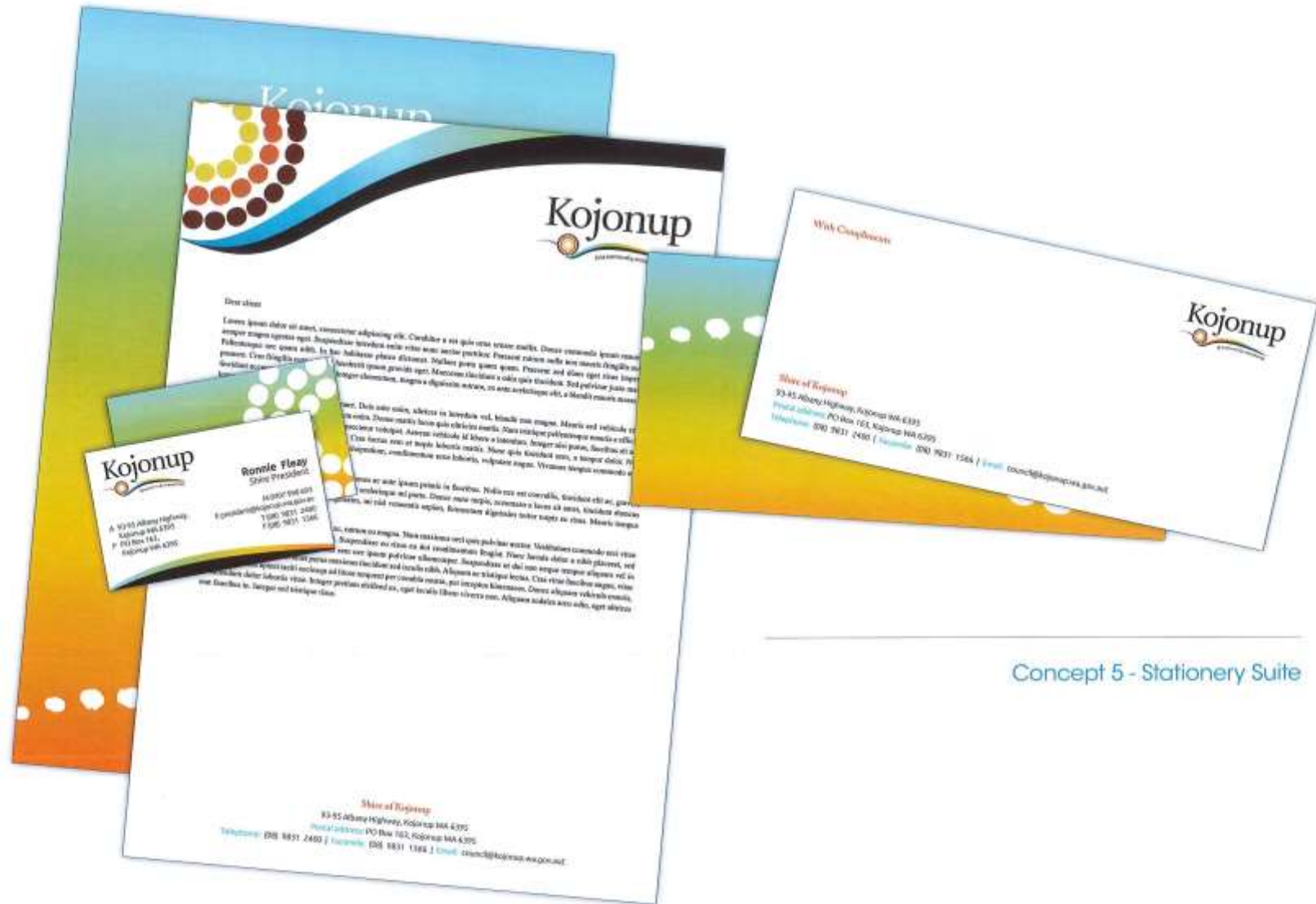
, seconded Cr

CARRIED/LOST

/



Concept 5 - Version 3



Concept 5 - Stationery Suite

13.2 STRATEGIC COMMUNITY PLAN

AUTHOR: Heather Sheppard – Senior Project Officer
DATE: Friday, 18 September 2015
FILE NO: CM.CIR.1
ATTACHMENTS: 13.2 Updated Strategic Community Plan

DECLARATION OF INTEREST

Nil

SUMMARY

The *Local Government Act 1995 Section 5.56(1) and (2)* requires that each Local Government is 'to plan for the future of the district', by developing plans in accordance with the regulations.

BACKGROUND

The *Local Government (Administration) Regulations 1996* requires each Local Government to adopt a Strategic Community Plan and a Corporate Business Plan. In relation to the Strategic Community Plan, the plan is for a minimum of 10 years and a strategic review of the plan has been scheduled for 2 years from when it is adopted. A full review of the plan is to be reviewed within 4 years from when the plan is adopted.

The Strategic Community Plan 2013 – 2023 was adopted by Council on 19 March 2013 and amended Plan adopted by Council on 18 June 2013.

COMMENTS

A desktop review of the Strategic Plan 2013 – 2023 has now been completed and presented to the Senior Management Team for comment and amendment. A full review of the Plan is to be undertaken in 2017 with the involvement of the community.

CONSULTATION

Senior Management Team – 17 September 2015
Council Briefing Session – 1 & 15 September 2015

STATUTORY REQUIREMENTS

Local Government Act 1995
Local Government (Administration) Regulations (1996)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023
Focus Area 1.1 – Being Well Governed

Corporate Business Plan 2013 – 2017

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

RISK MANAGEMENT IMPLICATIONS

Compliance with *Section 5.56 of the Local Government Act 1995*

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council adopt the desktop review of the Strategic Community Plan 2013 – 2023 and agree to include the new corporate logo into the Plan when approved.

COUNCIL DECISION

/15

Moved Cr

, seconded Cr

CARRIED/LOST

/

13.3 CORPORATE BUSINESS PLAN 2013 – 2017

AUTHOR: Heather Sheppard – Senior Project Officer
DATE: Monday, 12 October 2015
FILE NO: CM.CIR.1
ATTACHMENTS: 13.3 Updated Corporate Business Plan 2013 - 2017

DECLARATION OF INTEREST

Nil

SUMMARY

The *Local Government Act 1995 Section 5.56(1) and (2)* requires that each Local Government is ‘to plan for the future of the district’, by developing plans in accordance with the regulations.

BACKGROUND

The *Local Government (Administration) Regulations 1996* requires each Local Government to adopt a Strategic Community Plan and a Corporate Business Plan. In relation to the Corporate Business Plan, the plan is for a period of 4 years and with annual reviews

The Corporate Business Plan 2013 – 2017 was adopted by Council on 22 July 2014.

COMMENTS AND CURRENT STATUS

The annual review of the Corporate Business Plan 2013 – 2017 has now been completed and presented to the Senior Management Team for comment and amendment. A full review of the Plan is to be undertaken in 2017 after the full review of the Strategic Community Plan with the involvement of the community.

CONSULTATION

Senior Management Team – 17 September 2015
Council Briefing Session – 15 September 2015

STATUTORY REQUIREMENTS

Local Government Act 1995
Local Government (Administration) Regulations (1996)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC/CORPORATE IMPLICATIONS

Strategic Community Plan.

RISK MANAGEMENT IMPLICATIONS

Compliance with *Section 5.56 of the Local Government Act 1995*

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council adopt the annual review of the Corporate Business Plan 2013 – 2017 and agree to incorporate the new logo into the Plan when approved.

COUNCIL DECISION

/15

Moved Cr

, seconded Cr

CARRIED/LOST

/

13.4 WORKFORCE PLAN

AUTHOR: Heather Sheppard – Senior Project Officer
DATE: Friday, 18 September 2015
FILE NO: PE.EST.1
ATTACHMENTS: 13.4.1 Letter of Thanks
13.4.2 Updated Workforce Plan 2014-2018

DECLARATION OF INTEREST

Nil

SUMMARY

The *Local Government Act 1995 Section 5.56(1) and (2)* requires that each Local Government is ‘to plan for the future of the district’, by developing plans in accordance with the regulations.

BACKGROUND

Under the Integrated Planning and Reporting Advisory Standards and Framework a Workforce Plan details the workforce requirements to deliver our Strategic Community Plan and Corporate Business Plan. The Workforce Plan is for a period of four years and should be reviewed annually.

The Workforce Plan 2014 – 2018 was adopted by Council on 15 October 2013 and reviewed on 21 October 2014.

COMMENTS

A further review of the Workforce Plan 2014 – 2018 has now been completed and presented to the Senior Management Team for comment and amendment.

CONSULTATION

Senior Management Team – 17 September 2015
Council Briefing Session – 15 September 2015

STATUTORY REQUIREMENTS

Local Government Act 1995
Local Government (Administration) Regulations 1996.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023
Focus Area: 1.1 – Being Well Governed

Corporate Business Plan 2013 – 2017

Strategy 1.1.3.1 – Explore shared services with neighbouring local governments to improve efficiencies

Strategy 1.1.3.3 – Commit appropriate staff and resources to be a leader of regional planning, initiatives and services

Strategy 1.3.3.1 – Promote the opportunities for traineeships and apprenticeships within Local Government

RISK MANAGEMENT IMPLICATIONS

Compliance with *Section 5.56 of the Local Government Act 1995*

Compliance with the *Local Government (Administration) Regulations 1996*.

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council adopt the review of the Workforce Plan 2014 – 2018 and agree to include the new corporate logo into the Plan when approved.

COUNCIL DECISION

/15

Moved Cr

, seconded Cr

CARRIED/LOST

/

27 SEP 2015




Government of Western Australia
 Department of Local Government and Communities

ICR20521
 SHIRE OF KOJONUP
 GS.PRA.13

FOUR	DEPT OF	PLA	ENV	WATER
FOUR	SECT	WA	CITY	IN
ICR24	247A	19/04	SPO	✓

Our Ref: WP010/2013 1299-14 E1534076


 Mr Rick Mitchell-Collins
 Chief Executive Officer
 Shire of Kojonup
 PO Box 163
 KOJONUP WA 6395

Att Ms Heather Sheppard

Dear Mr Mitchell-Collins

WORKFORCE PLANNING CAPACITY BUILDING

Thank you for submitting acquittal documentation for the grant expenditure of \$21,000, provided to undertake Workforce Planning for the Shire of Kojonup. This letter is to advise that the obligations of the Shire have now been met and the grant has been acquitted.

I would like to congratulate your organisation on the successful completion of this project. The work that the Shire has undertaken on the Workforce Plan actions and the outcomes achieved are excellent.

Should you have any queries regarding this grant please, contact Ms Gemma Turner, Senior Grants Officer, on (08) 6552 1643 or at gemma.turner@dlgc.wa.gov.au.

Yours sincerely,

Pearl Craig
 MANAGER GRANTS

15 September 2015

Gordon Stephenson House
 140 William Street Perth WA 6000
 GPO Box R1250 Perth WA 6844
 Tel: (08) 6551 8700 Fax: (08) 6552 1555 Freecall: 1800 620 511 (Country only)
 Email: info@dlgc.wa.gov.au Website: www.dlgc.wa.gov.au

13.5 STAYING STOCK (CATTLE)

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
 DATE: Monday, 14 September 2015
 FILE NO: LE.NOT.3
 ATTACHMENT: 13.5 WALGA Discussion Paper (Stock on Roads June 2010)

DECLARATION OF INTEREST

Nil

SUMMARY

A Straying of Stock Local Law will be considered by the Southern Link VROC as part of our Local Law Review but the issue should again be addressed by WALGA from a Local Government industry perspective rather than individual council's as straying stock/fencing/animal husbandry is a very difficult and sensitive matter with enormous consequences to those involved.

BACKGROUND

My attention has been drawn to an ongoing concern regarding stock (predominantly Cattle) straying onto Road Reserves in the search of food whether fences have/haven't been maintained between land holders and the public thoroughfare and what Council can do to enforce the land owner to ensure stock are adequately secured along road reserves!

Distinct from fences is another issue - Animal husbandry, in that "Why are cattle searching for food and prepared to knock down fences in order to do so?"

What are the present legal avenues?

- *Local Government Miscellaneous Provisions Act 1960 Part XX – Cattle Trespass, Pounds, Pound Keepers and Rangers:*
Section 484(b) provides that if the owner of cattle permits the cattle to be at large in a street or other public place he commits an offence. Penalty: \$200.00. This provision empowers a local government to fine the owner of straying cattle, however is \$200.00 a sufficient deterrent and does it cover the costs of processing and enforcing the fine? I doubt it!
- *Dividing Fences Act 1961:*
 This Act provides that amongst other things there is a liability on owners of adjoining lands to fence with "sufficient fence" and to be jointly liable for the cost of construction. There is a similar requirement for adjoining owners to contribute to the repairing of a dividing fence. Where one party will not contribute to the costs incurred, an application can be made to the Court for the cost of the whole of the repair or renewal to be borne by the party not contributing. A logical approach however hungry cattle don't care about a "sufficient fence" if there is food on the opposite side!
- *Local Government Act 1995:*
Section 3.25 provides that notices can be issued by the local government authority requiring certain things to be done by the owner or occupier of land. *Schedule 3.1 Division 1 Section 4(1)(a)* provides that a notice to ensure that the land adjoining a public thoroughfare or other public place for the purposes of this item must be suitably enclosed to separate it from the public thoroughfare or other public purposes. Once again what happens if the land owner or occupier ignores the notices? The local

government authority will incur added expense by undertaking works in the hope of recouping costs in the future!

- *Local Government (Uniform Local Provisions) Regulations 1996:*
Section 8 refers to separating land from public thoroughfares (*Schedule 9.1, Clause 4*). This section provides that a person who is the owner or occupier of land commits an offence if any fence or gate that separates the land from a public thoroughfare is not kept in good repair. The penalty for the offence is \$1000.00.

If a notice served under *Section 3.25 of the Local Government Act 1995* is not complied with, *Section 3.26* provides that the council or local authority may perform the required work itself and recover the cost from the land owner on which the notice was served.

The local government authority will incur added expense by undertaking works in the hope of recouping costs in the future! A person who is given a notice under *Section 3.25* may apply to the State Administrative Tribunal for a review of the decision. It is also essential to clearly determine the owner especially if the property owner is a corporation and the notice has been served on an individual remembering the Tribunal will consider such matters.

- *Department of Regional Development and Lands (Pastoral Lands Board)*
http://www.lands.wa.gov.au/Publications/Documents/Pastoral_Lands_Board_guideline_liability_for_straying_stock_on_roads.pdf (copied below):

LIABILITY FOR STRAYING STOCK ON ROADS

Pastoralists, particularly those whose properties adjoin highways, gazetted roads and streets have a legal responsibility for stock that stray onto these roadways.

In Western Australia there is legislation that makes it an offence for an owner to allow their cattle to stray into and be at large in a street or public place (Local Government (Miscellaneous Provisions) Act 1960, section 484). This Act also gives local government authorities the power to take possession of straying cattle and be reimbursed by the owner for the costs of looking after them. The owner may also be fined.

Highways (Liability for Straying Animals) Act 1983

Prior to 1983, the owner or occupier of land adjoining a highway owed no duty of care to users of a highway, such as motorists, to take reasonable measures to protect the users from damage, death or injury caused by straying stock.

Now however, under the Highways (Liability for Straying Animals) Act 1983 (HLSA Act), liability for injury or damage to people or vehicles caused by stock straying onto a highway may rest with the owner of the stock. Liability for such incidents is to be determined by a court of law according to the laws of negligence, the laws governing intentional acts or omissions, and the circumstances of each case.

The HLSA Act sets out a number of things a court must consider in determining whether an owner or occupier of land adjacent to a highway

has a duty of care to highway users and whether they have breached that duty of care. These things include:

- *the general nature of the locality in which the relevant part of the highway is located;*
- *the type and amount of traffic using the highway;*
- *the extent to which users of that highway could expect to encounter animals on the highway and be expected to take steps to guard against the risk associated with their presence (i.e. the risk of injury or damage arising from animals straying onto the highway);*
- *the common practice in the locality in relation to:*
- *fencing and other measures taken to prevent stock from straying onto the highway; and*
- *the measures (e.g. signs) taken to warn users of the highway about the presence of stock thereon.*
- *the cost of fencing or of other measures referred to above.*

To succeed in a negligence claim against an owner or occupier of land adjacent to a roadway for injury or damage caused by stock straying, a road user must establish that:

- *the owner or occupier owed the highway user a duty to take reasonable care to prevent their stock straying onto the highway;*
- *the owner or occupier breached that duty by failing to take reasonable care;*
- *the owner or occupier's breach of duty caused the injury or damage suffered by the highway user; and*
- *the injury or damage suffered by the highway user was not too remote a consequence of the breach of the duty of care by the owner or occupier.*

Local conditions and practices

Whether a duty of care exists will depend on local conditions and usual practices and customs in the locality. For example, are signs erected by the highway authority warning highway users of the presence of stock and animals on the highway?

Do highway users in the locality reasonably expect to encounter straying stock and animals on the highway? Do they usually take measures to reduce the risk of colliding with the stock or animals (e.g. by not driving at night or only driving at night with powerful spotlights)?

It may be affordable for a pastoralist on a small lease to fence the part of their land that runs along a highway, whereas it may not be economically viable for a pastoralist on a large lease with hundreds of kilometres of land adjoining a highway to erect fencing.

If, historically, pastoral land along a highway has been fenced in a particular locality then it can be assumed that the pastoralist owes a duty of care to highway users in that area to maintain the fence to a standard sufficient to prevent their stock from straying onto the highway.

In addition to this, section 107(3) of the Land Administration Act 1997 requires a lessee to maintain in good condition, and where necessary, replace or renew improvements to a lease, including fences. A failure to comply with

section 107 may result in forfeiture of the lease. It may also constitute a breach of a lessee's duty of care to highway users if, as a result of a failure by a lessee to maintain fences, stock stray onto a highway and cause injury or damage.

If a pastoralist becomes aware that their stock are grazing on or near a highway they may have a duty of care towards highway users to move the stock to another part of their property where they are less likely to wander onto the highway.

In some cases a pastoralist may be liable for damage or injury caused by their stock straying onto a highway even though they do not have a duty of care to fence land along the highway. For example, if a pastoralist moves stock to an area of land next to a highway in preparation for road transport or as part of a muster and the stock stray onto the highway causing injury or damage to a highway user, then the pastoralist may be liable to the road user even though they were not under a duty to fence the land in that locality. In such a case liability arises as a result of the intentional action of the owner in bringing the stock onto or near the highway.

Pastoralists can protect themselves from the financial effects of a failure to take reasonable care to protect highway users from injury or damage caused by straying stock, by ensuring that they carry public liability insurance that indemnifies them against such liability.

The HLSA Act seeks to strike a balance between safeguarding users of highways on the one hand without imposing undue burdens on those engaged in pastoral pursuits.

NOTE:

The above is a general guide only and does not constitute legal advice. No responsibility is taken for the accuracy of the contents. Pastoralists and others should not rely on this information to ascertain their legal position in instances where potential liability for straying stock is concerned.

COMMENT

I am somewhat perplexed that under "Duty of Care" provisions the Local Government authority (if it knows a problem exists in an area with straying stock) is to erect warning signs for motorists. How would the law makers explain this to the parents of children on a school bus when the bus driver took evasive action and rolled the bus in a drain or hit a tree? The presence of a sign may have slowed the bus but stock and kangaroos have an uncanny ability to come from nowhere!

Another issue is producing sufficient evidence proving the straying stock was directly related to the property owner's inadequate fencing.

A property owner could argue that:

- fences were cut by others
- gates/fences were vandalised by trespassers
- a neighbour or others held a grudge against them

Any course of action will be costly and ultimately decided by the Courts.

The Law Reform Commission of WA undertook a report on the liability of stock straying onto the highway in 1981 and the outcome was predominantly that the subject of straying animals is a very complex matter.

- *The Animal Welfare Act 2002*
Encompasses all live amphibians, reptiles, birds and mammals other than humans. This includes companion animals, native animals, livestock and animals used for research and teaching but does not extend to invertebrates or fish. The Act intends to promote and protect the welfare, safety and health of animals, ensure the proper and humane care and management of animals in accordance with generally accepted standards and reflect the community's expectation that people in charge of animals will ensure that they are properly treated and cared for.
- *Who enforces the Animal Welfare Act?*
The Department of Agriculture and Food, Western Australia (DAFWA) is the department of the public service assisting the Minister for Agriculture and Food in the administration of the Animal Welfare Act (WA) (the Act).

The Primary Industries Standing Committee have also produced a Model Code of Practice for the Welfare of Animals (Cattle) 2nd Edition which can be found at the following link: https://www.agric.wa.gov.au/sites/gateway/files/Model%20Code%20of%20Practice%20for%20the%20Welfare%20of%20Animals%20Cattle%20%282nd%20Edition%29_0.pdf

General Inspectors

The enforcement of the provisions concerning offences against animals in Part 3 of the Act is primarily conducted by the Royal Society for the Prevention of Cruelty to Animals, Western Australia (Incorporated) (RSPCA) and the Livestock Compliance Unit (LCU) within DAFWA. General inspectors of both organisations investigate complaints of cruelty against animals and carry out a range of compliance and enforcement actions.

DAFWA acknowledges that the RSPCA may have or advocate policies that differ from those of the Western Australian Government. However, the RSPCA separates their compliance and enforcement role and policies from their other policies.

In addition, members of the staff of the Department of Parks and Wildlife (DPaW) and local governments have been appointed as general inspectors. All WA Police officers have the powers of a General Inspector.

The RSPCA's enforcement and compliance responsibilities under the Act include:

- Receiving and investigating complaints of animal cruelty
- Undertaking inspections and other compliance activities for non-commercial livestock and companion animals
- Educating members of the public on responsible pet ownership practices
- Conducting enforcement activities, including prosecution where appropriate

Council's Ranger works closely with RSPCA Inspectors however with Infringements of \$200.00 being applied which can be argued with the State Administrative Tribunal or Magistrates Court a \$200.00 infringement could cost council in excess of \$2,000.00 in officer and legal costs only to have the matter ruled in favour of the property owner through lack of evidence.

Karratha have tried to capture nuisances/straying stock in a Local Law:

<http://karratha.wa.gov.au/Assets/Documents/Document%20Centre/SORAnimals-environment-nuisance-local-law.pdf>

“Division 5—Livestock

2.32 Livestock not to stray

The owner or person in charge of livestock shall not permit that livestock to stray or to be at large in a street, public place or upon private property without the consent of the property owner.

2.33 Impounding of livestock

(1) An authorised person or a member of the police force may impound livestock found straying in contravention of Clause 2.32.

(2) Livestock being impounded shall be placed in the pound or secured on private property with the consent of the owner.

2.34 Property to be fenced

(1) The owner or occupier of property on which livestock is kept, shall cause the property or a portion

of the property to be fenced in a manner capable of confining the livestock, to that portion where the livestock is kept.

(2) The minimum fencing requirements to confine livestock in a rural or special rural area shall be a fence of post and wire construction.

Penalty

2.32(2) Permitting livestock to stray, or be at large in a street, public place or private property without consent \$250.00

2.34 Failing to keep property fenced in a manner capable of confining livestock \$250.00”

Possession of a Local Law does provide Local Government the ability to utilise Fines Enforcement taking additional action against the defaulting person until the fines are paid.

WALGA produced a Discussion Paper in 2010 (copy attached), however unless the political will exists no change will occur especially if lobbied by others for the status quo to remain!

CONSULTATION

Council Briefing Session – 15 September 2015

STATUTORY REQUIREMENTS

Local Government Miscellaneous Provisions Act 1960 Part XX

Dividing Fences Act 1961

Local Government Act 1995

Local Government (Uniform Local Provisions) Regulations 1996

Highways (Liability for Straying Animals) Act 1983

Animal Welfare Act 2002

POLICY IMPLICATIONS

Possession of a Local Law will assist VROC Rangers address each matter on a case by case basis.

FINANCIAL IMPLICATIONS

Drafting a VROC Local Law and advertising through the Government Gazette comes at a cost but these costs can be shared to achieve good governance outcomes.

STRATEGIC/CORPORATE IMPLICATIONSCommunity Strategic Plan 2013 – 2023

Focus Area: 1.1 – Being Well Governed & 1.4 Living in a safe community.

Corporate Business Plan 2013 – 2017

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

Strategy 1.4.4 – Maintain Community Safety

RISK MANAGEMENT IMPLICATIONS

In the interests of motorist safety on Council Roads attempt to minimize straying stock by liaising with property owners on the condition of fences and taking appropriate action for non-compliance.

ASSET MANAGEMENT PLAN IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION**That Council:**

- 1. Request the Southern Link Voluntary Regional Organisation of Councils (VROC) to incorporate a “Straying of Stock” Local Law as part of the Local Law review presently being undertaken.**
- 2. If Southern Link VROC does not support such a Local Law that the Shire of Kojonup proceed to implement a Local Law based on similar provisions as the Shire of Roebourne – Animals, Environment and Nuisances Local Law 2012.**

COUNCIL DECISION

/15 Moved Cr , seconded Cr

CARRIED/LOST /

13.6 KATANNING AERODROME

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Tuesday, 29 September 2015
FILE NO: GR.LRL.1
ATTACHMENTS: 13.6 Shire of Katanning Letter (Dated 4 August 2015)

DECLARATION OF INTEREST

Nil

SUMMARY

The Shire of Katanning requests Council consideration to provide a financial contribution towards the Katanning Aerodrome.

BACKGROUND

A search of Council records indicate that previous requests have been dealt with by management however, as the new CEO a formal Council Resolution is preferred to clearly establish the Shire's position.

COMMENT

Financial Management includes the ability to provide or forecast income and expenditure requirements that are within the financial capacity and capability of Council with measurable cost/benefits and strategic objectives aligned with key stakeholders such as the State Governments Southern Inland Health Initiative and inappropriately titled "Super Towns" funding otherwise Long Term Financial Planning would tend to be ad hoc almost irrelevant!

Projects that may be possible sub-regional facilities ideally should have been discussed at the planning stage not post application stage as it could be implied that an approach to neighbouring shires "after the event" is reactive and therefore unlikely to provide a positive outcome regardless of the circumstances necessitating such a request.

CONSULTATION

Briefing Session – 15 September 2015

STATUTORY REQUIREMENTS

Local Government Act 1995

POLICY IMPLICATIONS

Nil as no policy presently exists regarding Katanning Aerodrome.

FINANCIAL IMPLICATIONS

Kojonup Airstrip annual operating budget and asset management planning will remain the focus of the Shire of Kojonup.

STRATEGIC/CORPORATE IMPLICATIONS

Strategic Community Plan 2013 – 2023

Focus Area 1:1 – Being Well Governed

Corporate Business Plan 2013 - 2017

Strategy 1.1.3 – Support regional collaboration and resource sharing.

RISK MANAGEMENT IMPLICATIONS

Focus will remain on Kojonup Airstrip.

ASSET MANAGEMENT IMPLICATIONS

Focus will remain on Kojonup Airstrip.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council advise the Shire of Katanning that it will not contribute financially to the operating or capital costs of the Katanning Aerodrome.

COUNCIL DECISION

/15

Moved Cr

, seconded Cr

CARRIED/LOST

/



10 AUG 2015

Our Ref:
File No: AC/11/0006

04/08/2015

Chief Executive Officer
Shire of Kojonup
PO Box 163
Kojonup WA 6395

Dear Rick

KATANNING AERODROME

A few years ago the Katanning Aerodrome was successful in becoming a registered Aerodrome after CASA advised that they would remove the instrument approach on all non-registered Aerodromes.

The Shire of Katanning received \$325,000 of RADS funding in 2011/12 to upgrade the aerodrome runway. This project was completed in 13/14, and although initially it was proposed that the \$306,000 contribution required to match the RADS funding would be through the Country Local Government Regional funding this was unable to be accommodated and so the matching funds were provided by the Shire of Katanning.

The Shire of Katanning have been successful in receiving another RADS grant to provide a patient transfer facility at the aerodrome site. A grant has been approved for \$52,000 with matching funds of \$52,000 required. The Shire of Katanning through their budget process have accommodated this amount.

The Shire of Katanning Councillors have made a commitment to maintaining and improving the services of the aerodrome so that groups such as the Royal Flying Doctors in our region are benefited. The Katanning Regional Hospital is the second largest hospital to Albany in the Great Southern Region, but the hospital is equipped only to stabilise critical patients and it does not hold an intensive care unit for ongoing care. Therefore many critical patients that present to Katanning Regional Hospital will inevitably be transferred to Perth, and more often than not these patients are transferred by air ambulance.

I am sure that you would have people within your community that have utilised the air ambulance service and I am certain you recognise the benefits this service brings to the region.

ICR20266

SHIRE OF KOJONUP				
DATE	DESCRIPTION	AMOUNT	CATEGORY	STATUS
✓	GR LRL 1			


The costs for maintaining the Aerodrome have increased significantly over the last few years and it is expected to continue rising with the additional requirements of maintaining a registered airstrip. I have attached an expenditure report for you to look over, and highlighted the additional expenses incurred by the Shire of Katanning.

The Shire of Katanning currently has two members of staff who have had the necessary external training to operate the aerodrome. The cost of training was funded by the Shire of Katanning at a cost of approximately \$3,500 per employee.

I understand that you may have already completed your budget process and so I am requesting that you look at the possibility of making a contribution towards the project, or the operational costs of running the aerodrome at your mid-year review. In addition it would be greatly appreciated if your council could acknowledge the regional importance of having access to a local all-weather Aerodrome and possibly commit to an annual contribution to assist with the ongoing operating costs.

Please feel free to contact me if you have any further queries.

Regards,



Sarah Taylor

DIRECTOR OF CORPORATE AND COMMUNITY DEVELOPMENT

4 August 2015

SHIRE OF KATANNING
SCHEDULE 12 - TRANSPORT
 Financial Statement for Period Ended
 30 June 2015

	Adopted Budget		YTD Budget		YTD Actual		Draft Budget	
	Revenue \$	Expenditure \$	Revenue \$	Expenditure \$	Revenue \$	Expenditure \$	Revenue \$	Expenditure \$
AERODROMES								
OPERATING EXPENDITURE								
0707 Employee Superannuation (Aero)		549		184		177		184
0717 Workers Compensation Insurance Premium		224		224		242		58
1552 Instrument Approach Training/Maintenance		5,000		5,000		2,856		5,000
1553 Consultants Fees (Aero)		5,000		5,000		5,033		5,100
5242 Deprec - Buildings		3,800		3,800		3,800		3,800
5252 Works Prog - Airport Maint	Jobs	38,860		38,860		42,711		26,622
5262 Salary Costs (Aero)		5,774		1,935		2,294		1,936
5282 Insurance (Aero)		1,439		1,357		1,357		1,357
6052 Deprec - Infrastructure Other		16,260		16,260		16,261		16,261
7392 Bldg Prog - Maintenance	Jobs	1,900		1,910		1,424		1,870
9842 Utilities (Aero)		6,000		3,200		1,722		3,200
9892 Administration Allocation (Aerodrome)		11,435		11,078		9,701		9,428
OPERATING REVENUE								
5284 Rads Grant (Aerodrome)		0		0		0		52,500
5285 Lease Income (Aero)		250		234		234		250
SUB-TOTAL		250		95,242		234		88,810
						234		87,575
								52,750
								74,816
CAPITAL EXPENDITURE								
4074 Land & Buildings (Aerodrome)	Jobs	0		0		0		105,000
CAPITAL REVENUE								
SUB-TOTAL		0		0		0		0
								105,000
TOTAL - AERODROMES		250		96,242		234		88,810
						234		87,575
								52,750
								179,816

SHIRE OF KATANNING
SCHEDULE 12 - TRANSPORT
Financial Statement for Period Ended
30 June 2015

	Adopted Budget		Revised Budget		YTD Budget		YTD Actual	
	Revenue \$	Expenditure \$	Revenue \$	Expenditure \$	Revenue \$	Expenditure \$	Revenue \$	Expenditure \$
AERODROMES								
OPERATING EXPENDITURE								
0707 Employee Superannuation (Aero)		549		184		184		177
0717 Workers Compensation Insurance Premium		224		224		224		242
1552 Instrument Approach Training/Maintenance		5,000		5,000		5,000		2,856
1553 Consultants Fees (Aero)		5,000		5,000		5,000		5,033
5242 Deprec - Buildings		3,800		3,800		3,800		3,800
5252 Works Prog - Airport Maint		38,860		38,860		38,860		42,711
5262 Salary Costs (Aero)		5,774		1,936		1,936		2,291
5282 Insurance (Aero)		1,439		1,357		1,357		1,357
6052 Deprec - Infrastructure Other		16,260		16,260		16,260		16,261
7392 Bldg Prog - Maintenance		1,900		1,910		1,910		1,424
9842 Utilities (Aero)		6,000		3,200		3,200		1,722
9892 Administration Allocation (Aerodrome)		11,435		11,078		11,078		9,701
OPERATING REVENUE								
5285 Lease Income (Aero)	250		234		234		234	
SUB-TOTAL	250	96,242	234	88,810	234	88,810	234	87,575
CAPITAL EXPENDITURE								
CAPITAL REVENUE								
SUB-TOTAL	0	0	0	0	0	0	0	0
TOTAL - AERODROMES	250	96,242	234	88,810	234	88,810	234	87,575

SHIRE OF KATANNING
SCHEDULE 12 - TRANSPORT
 Financial Statement for Period Ended
 30 June 2014

AERODROMES	Adopted Budget		Revised Budget		YTD Budget		YTD Actual	
	Revenue \$	Expenditure \$	Revenue \$	Expenditure \$	Revenue \$	Expenditure \$	Revenue \$	Expenditure \$
OPERATING EXPENDITURE								
0707 Employee Superannuation (Aero)		1,093.59		1,093.59		1,093.59		949.49
0717 Workers Compensation Insurance Premium I		395.03		382.58		382.58		382.58
1492 Licences & Permits (Aero)		0.00		0.00		0.00		0.00
1552 Instrument Approach Training/Maintenance		5,000.00		5,000.00		5,000.00		6,670.00
1553 Consultants Fees (Aero)		5,000.00		0.00		0.00		0.00
2912 Aero - Refund Of Underspent Grant		0.00		0.00		0.00		2,391.96
5242 Deprec - Buildings		3,733.76		3,800.00		3,800.00		3,799.95
5252 Works Prog - Airport Maint	Jobs	24,355.53		44,999.53		44,999.53		98,433.87
5252 Salary Costs (Aero)		11,822.59		11,822.59		11,822.59		13,504.80
5282 Insurance (Aero)		216.48		216.48		216.48		216.48
6052 Deprec - Infrastructure Other		2,342.96		16,260.17		16,260.17		16,210.69
7392 Bldg Prog - Maintenance	Jobs	2,071.94		2,071.94		2,071.94		5,367.03
9842 Utilities (Aero)		591.00		5,500.00		5,500.00		4,803.05
9892 Administration Allocation (Aerodrome)		5,316.00		4,654.42		4,654.42		4,217.50
OPERATING REVENUE								
5285 Lease Income (Aero)	0.00		0.00		0.00		1,818.18	
SUB-TOTAL	0.00	61,938.88	0.00	95,801.30	0.00	95,801.30	1,818.18	156,947.40
CAPITAL EXPENDITURE								
4074 Land & Buildings (Aerodrome)	Jobs	0.00		0.00		0.00		0.00
4084 Aero - Plant Equipment		0.00		0.00		0.00		0.00
4075 Works Prog - Airport Runway Construction	Jobs	0.00		0.00		0.00		0.00
CAPITAL REVENUE								
SUB-TOTAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL - AERODROMES	0.00	61,938.88	0.00	95,801.30	0.00	95,801.30	1,818.18	156,947.40

13.7 KOJONUP TOURIST RAILWAY – VARIATION OF ACCREDITATION

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
 DATE: Friday, 9 October 2015
 FILE NO: RC.MUS.4
 ATTACHMENT: 13.7.1 Office of Rail Safety letter dated 23 September 2015
 13.7.2 Technical Report Denny Road to Farrar Siding September 2015

DECLARATION OF INTEREST

Cr Radford in his capacity as President of Kojonup Tourist Railway Inc.

SUMMARY

To receive and note that the Director of Rail Safety – Mr Rob Burrows has formally approved an application for a variation of the accreditation of the Kojonup Tourist Railway Inc. (KTR) to extend passenger operations beyond Denny Road to Farrar.

BACKGROUND

Rail Safety Act 2010 (WA)
Notice of Accreditation
Shire of Kojonup (Kojonup Tourist Railway)

The person is granted accreditation under Part 4 Division 2 Sections 38 of the Rail Safety Act (Western Australia) by the Rail Safety Regulator as a Rail Transport Operator as described in the particulars of accreditation and subject to the conditions and restrictions set out in this notice.

Particulars of this Accreditation

ITEM	PARTICULARS
Accredited Person	Shire of Kojonup-Kojonup Tourist Railway (KTR) ABN 29 256 604 947 Shire of Kojonup PO Box 163 Kojonup WA 6395
Commencement Date	KTR was granted accreditation under the <i>Rail Safety Act 1998</i> as an <i>owner</i> and an <i>operator</i> on 25 September 2003. Under the <i>Rail Safety Act 2010</i> RIA continues to be accredited as a <i>rail transport operator</i> from 1 February 2011.
Variations	As set out in Schedule 3 accompanying this Notice of Accreditation.
Duration	This accreditation remains in force until it is surrendered, suspended or revoked as per Sections 45 and 46 of the Rail Safety Act 2010 (WA).

Type of Rail Transport Operator	<i>Rail infrastructure manager and rolling stock operator.</i>
Railway Operations	<p>The accredited person is authorised to carry out the railway operations listed in Schedules 1 and 2 with respect to:-</p> <ol style="list-style-type: none"> 1) The rolling stock and rail infrastructure listed in Item 2 and 2) The railway listed in Item 3, and 3) For the purpose listed in Item 4, and 4) The manner of carrying out specified in Item 4.
Frequency of Safety Performance Reports	Annually, for the reporting period ending 30 June, due by 30 September of the same year.
Frequency of Safety Management System Reviews	At least once each year in accordance with Section 61 of the Rail Safety Act 2010.
Annual Accreditation Fee Due	<p>Annual accreditation fee to be paid on or before 30 September.</p> <p>The fee shall be determined by the Regulator in accordance with Schedule 2 of the <i>Rail Safety Regulations 2011</i>.</p>
Conditions and Restrictions attaching to the Accreditation	<p>As set out in the Conditions and Restrictions accompanying this Notice of Accreditation including any schedules, attachments and exhibits.</p> <p>All conditions applied to the initial accreditation under the <i>Rail Safety Act 1998</i> and to all subsequent variations to accreditation remain in force until they have been formally varied or revoked by the Rail Safety Regulator.</p>

Schedule 1			
Railway Operations - Rail Infrastructure			
Item 1	Item 2	Item 3	Item 4
Railway Operations	Rail Infrastructure	Railway/geographic	Purpose /manner of carrying out
(1) Construction (2) Management (3) Commissioning (4) Maintenance (5) Repair (6) Modification (7) Installation (8) Operation (9) Decommissioning	(1) Rail infrastructure and associated track structures including buildings in Kojonup Yard.	(1) Portion of the closed WAGR Boyup Brook - Kojonup Railway between Kojonup (0 km.) and Farrar (9.9 km.)	1) For purposes connected with, or ancillary to, the conduct of the Accredited Person's functions as a rail infrastructure manager. (2) The manner of carrying out the railway operations described in Items 1(1) to 1(9) inclusive for the rail infrastructure described in Item 2 is by management and control by the accredited person in accordance with the KTR Safety Management System, KTR Operating Rules and infrastructure standards being applied by KTR at the time of this Notice of Accreditation using volunteers approved by the Shire of Kojonup under supervision of KTR management.

Schedule 2			
Railway Operations - Rolling Stock Operations			
Item 1	Item 2	Item 3	Item 4
Railway Operations	Rolling Stock	Railway/geographic	Purpose /manner of carrying out
(1) Construction	Not accredited	Not accredited	Not accredited
(2) Commissioning (3) Maintenance (4) Repair (5) Modification (6) Decommissioning (7) Operation or movement, or causing the operation or movement by any means of rolling stock on the railway.	(1) For Passenger And Maintenance Operations:- 1 x Mini Moke adapted for rail use. 1 x Daihatsu Scat 4WD adapted for rail use. 3 x custom built carriages - adaptable to flat top wagons for work trains. (2) For Passenger Operations. Custom built "Zoo Train" comprising diesel powered locomotive and two carriages. (3) For Maintenance Operations:- 2 x custom built petrol powered inspection trolleys. 1 x Rail mounted sleeper inserter.	(1) For Passenger Operations:- Portion of the closed WAGR Boyup Brook - Kojonup Railway between Kojonup (0 km.) and the South End Points of Farrar Siding (9.9km) (2) For Maintenance Operations:- Portion of the closed WAGR Boyup Brook - Kojonup Railway between Kojonup (0km.) and Farrar. (9.9km.)	(1) For purposes connected with, or ancillary to, the conduct of the Accredited Person's functions as a <i>rolling stock operator</i> . For Passenger Operations:- Operating a passenger carrying tourist railway between Kojonup and Farrar. For Maintenance Operations:- Operating work trains and on - rail track maintenance equipment between Kojonup and Farrar. (2) The manner of carrying out the <i>railway operations</i> described in Items 1(2) to 1(7) of this Schedule is by management

			and control by the accredited person in accordance with the procedures and processes in the KTA Safety Management System.
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This Notice of Accreditation was issued on 22 September 2015 pursuant to Clause (1) of section 38 of the *Rail Safety Act 2010* and supersedes all Notices of Accreditation previously issued to the Accredited Person.

Schedule 3 Variations to Accreditation		
No.	Date of Notice	Summary
1	25 September 2003	Original issue
2	1 June 2004	Variation requiring certification of rolling stock and adoption of the National Standard for Health Assessment of Rail Safety Workers
3	25 January 2006	Variation requiring the KTR SMS to comply with the revised AS4292.1-2006
4	20 September 2011	Alteration of limits of rolling stock operations to just short of Denny Road (4 km.) for passenger operations and Farrar (15 km.) for work trains, inspection and rail maintenance vehicles. KTR issued with the new nationally agreed format for a Notice of Accreditation.
5	31 May 2013	Date for payment of annual accreditation fee revised.
6	22 September 2015	Variation permitting passenger operations to extend beyond Denny Road to Farrar Siding.
7		
8		
9		
10		

Rail Safety Act 2010 (WA)

Conditions and Restrictions of Accreditation

Shire of Kojonup (Kojonup Tourist Railway) (KTR)

In accordance with section 39 of the Rail Safety Act 2010 (WA) the following conditions and restrictions are applicable to the accreditation of KTR:

Part 'A' General Conditions:

1. KTR shall when notifying rail safety occurrences in accordance with Regulation 32 transmit the occurrence reports in a manner and format acceptable to the Director Rail Safety and classify them in accordance with Occurrence Notification Standard ON-S1 (WA).
2. KTR shall immediately advise the Director Rail Safety if there is a change of the nominated person with the ultimate responsibility for managing the railway or the nominated person responsible for maintaining the safety management system.
3. KTR shall effect and maintain in full force throughout the currency of this accreditation, public risk insurance arrangements with a reputable insurer to meet reasonable potential accident liabilities arising from its railway operations in WA.
4. KTR shall in writing give notice and obtain approval from the Director Rail Safety of its intention to materially change any rail activities or the Safety Management Plan and Safety Management System covered by this accreditation. The written notice shall detail the impact of the proposed change and clearly demonstrate that the proposal will provide appropriate risk mitigation and does not reduce the level of safety currently in place.
5. KTR shall pay the annual accreditation fee by the date specified in the Notice of Accreditation.
6. KTR shall promptly provide to the Director Rail Safety an executed copy of track access agreements, private siding agreements, interface agreements and maintenance or service agreements to which it becomes a party and which relates to any track that is situated within Western Australia and owned or controlled by KTR.
7. KTR shall have any additional or modified rolling stock to be introduced into service, certified as fit for purpose by a suitably qualified person and obtain the prior approval of the Director Rail Safety before commencing its use;
8. KTR shall have any additional section of the railway to be opened up for rail operations certified as fit for purpose by a suitably qualified person and obtain the prior approval of the Director Rail Safety before commencing its use;
9. In order to retain accreditation, KTR shall maintain its access and operation rights under legislation that grants the Shire use of the railway reserve between Kojonup and Farrar. The Director Rail Safety shall be given at least 28 days notice of any proposed termination of these rights or changes that may impact on rail safety management of the rail network and operations.

Part 'B' - Special Conditions

1. Compliance with the Rail Safety Act 2010 and Rail Safety Regulations 2011. Act s2 (d).
KTR shall fulfil the requirements of sections 64, 65 and 66 of the Rail Safety Act 2010 by 1 February 2014.

Special Conditions Added in the Variation of 21 September 2015.

2. Prior to commencing passenger operations to Farrar Siding, KTR shall amend its Emergency Response Manual to include details of access points to the railway between Denny Road and Farrar from the adjacent Kojonup - Muradup Road. KTR shall ensure that local Emergency Services are informed of these amendments.
3. Within 3 months of opening passenger operations to Farrar, KTR shall provide a level hardstand and toilet facilities for passengers at Farrar and an acceptable first aid kit on the train.
4. In compliance with General Condition 6 and Special Condition 1 above, KTR shall identify the potential for external parties to cross the track and railway reserve between Denny Road and Farrar Siding and establish interface agreements with the affected parties to manage the risks to safety at those crossing points **within six months of issue of this Variation**. In particular, an interface agreement is required with Western Power to manage their access to the overhead power line route that crosses the railway at 5.25km. (KTR rail kilometrage from Kojonup).
5. In compliance with General Condition 8 above, KTR shall commit to the short, medium and long term maintenance and upgrade requirements set out in the Technical Report on the condition of the railway between Denny Road and Farrar. This was the result of a site inspection by the ORS on 3 September 2015.
6. The Shire shall assist KTR to conduct a condition assessment of 3 timber bridges and any remaining timber culverts between Denny Road and Farrar, using Main Roads guidelines for the inspection and maintenance of timber bridges.
7. The Shire shall assist KTR to maintain the railway access road between Kojonup and Farrar to a standard acceptable for safe and comfortable use by emergency services vehicles.

Director Rail Safety
Office of Rail Safety
Department of Transport Western Australia
Dated: 22 September 2015

COMMENT

It is imperative that KTR **comply at all times** with the above accreditation and undertake works listed in the attached technical report as it is providing a tourist activity for the general public and the consequences of non-compliance may result in legal action being taken against KTR, Shire of Kojonup and individuals for breach of conditions.

Council should also note that any reference to KTR includes the Shire of Kojonup as it is the entity that is registered by the Management Order and also the primary name listed in accreditation documentation. As such the Shire has a “Duty of Care” to ensure not only the railway line but also the railway reserve, rolling stock and operational procedures of KTR remain compliant.

CONSULTATION

Auditors – Rob Burrows & Chris Green – Office of Rail Safety
Kojonup Tourist Railway Inc.
Building Maintenance Coordinator

STATUTORY REQUIREMENTS

Local Government Act 1995 – Division 2, Subdivision 2(Committees)

Rail Safety Act 2010 & Rail Safety Regulations 2011

Department of Lands – Management Order Reserve 51700 registered 31 October 2014 (XE M813123)

POLICY IMPLICATIONS

No formal policy, lease or agreement other than the Management Order with the Department of Lands presently exists, however Council at the 21 July 2015 meeting; Decision 112/15 identified the need to develop an overall plan for the railway heritage precinct which should now include the railway reserve to Farrar.

FINANCIAL IMPLICATIONS

Council's 2015/16 Budget makes the following provisions for KTR and Benn Parade:-

• COA8402 Insurances	\$ 6,500.00
• COA6382 Railway Reserve Conveniences	\$ 1,800.00
• COA 6394 “ “ Ground Maintenance	\$ <u>8,896.00</u>
TOTAL	<u>\$17,196.00</u>

There is no provision for Asset Replacement of Rolling stock, Line Infrastructure or Buildings despite the Railway Station being included on the Municipal Heritage List. It appears that upon the granting of the “Kojonup-Farrar Railway Order 2002” Council effectively passed responsibility onto the KTR to operate and undertake activities and maintain facilities.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023

Focus Area 1.5 – Staying Active & Entertained

Corporate Business Plan 2013 – 2017

Strategy 1.5.1 – Promote Kojonup as a place to live and visit.

RISK MANAGEMENT IMPLICATIONS

Operational aspects of the KTR remain compliant with Rail safety Audit requirements however as recognised through the Kodja Place Review, Council is ultimately responsible to comply with the Order and Rail Safety Act for example:

- 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.

ASSET MANAGEMENT IMPLICATIONS

Should KTR cease to exist is Council prepared to accept responsibility for the rail line to Farrar or indeed maintain and operate the existing activities/operations given that ownership of rolling stock would be vested in KTR or a like organisation?

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION**That Council:**

- 1. Note and receive the notice of approval regarding a variation of the accreditation of the Kojonup Tourist Railway Inc. (KTR) to extend passenger operations beyond Denny Road to Farrar.**
- 2. Ensure that the Kojonup Tourist Railway Inc. (KTR) comply at all times with the accreditation and undertake works listed in the technical report prepared by the Office of Rail Safety.**

COUNCIL DECISION

/14 Moved Cr

, seconded Cr

CARRIED/LOST

/



Government of **Western Australia**
Department of **Transport**

Office of Rail Safety

My Ref: DT/11/03622.

Enquiries: Chris Green:Telephone: (08) 93235209

Mr Rick Mitchell-Collins
Chief Executive Officer
Shire of Kojonup
PO Box 163
Kojonup WA 6395

Dear Rick

Subject: Application for a Variation of the Accreditation of the Kojonup Tourist Railway (KTR) to Extend Passenger Operations beyond Denny Road to Farrar.

I am pleased to advise that your application to extend passenger train operations to Farrar has been approved and a new Notice of Accreditation is attached.

You will note that it refers to recommendations for immediate, short, medium and long term actions that should guide KTR in maintaining and upgrading the extended section of line and addressing the risk of unsound bridges and culverts. These are contained in the attached report on the condition of the railway prepared by Chris Green. This report will also be sent to you electronically so that you can use the hyperlinks to access additional information.

I appreciate the assistance and hospitality offered to Chris Green and myself on 3 September 2015 when we viewed what had been achieved to ready the Denny Road – Farrar section for regular use.

I am also pleased to note that the Department of Lands has issued the Shire a Management Order for the railway reserve that supersedes the Kojonup - Farrar Railway Order 2002. The fate of this was uncertain for some time.

I wish the Shire and KTR success in running the Spirit of Kojonup Train on longer trips during the forthcoming Bloom Festival.

Yours sincerely

Rob Burrows
Director Rail Safety
23 September 2015

13.8 MURADUP CEMETERY

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Tuesday, 22 September 2015
FILE NO: FM.SPN.1
ATTACHMENT: 13.8.1 Proposed Picket Fence
13.8.2 Muradup Cemetery Diagram & Details

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to seek Council approval to allocate an amount of \$4,500.00 (cash) and \$600.00 in works towards the construction of a PVC curved style picket fence along the 100+ metre frontage of the Muradup Cemetery facing the Blackwood Road.

BACKGROUND

Improvements being made at the Muradup Memorial allow the previous shelter to be relocated over the niche wall at the Muradup Cemetery. This enhancement has prompted community members to improve the visual amenity of the Muradup Cemetery which is predominantly maintained by the community and currently does not have a fence erected.

A recent meeting with Jill Taylor and Bob Francis highlighted the need for a front fence as the present appearance is less than desirable. A similar situation exists at the Kojonup Cemetery which has been recognized by the Kojonup Cemetery Work Group for consideration in the 2016/2017 budget as part of the Cemetery Development program.

COMMENT

Enhancing the appearance of the Muradup Cemetery with a maintenance free, durable and visual picket fence will be immediately noticed and demonstrates respect by Council and the Community to those former residents of the District that are interred there and for those residents who choose Muradup as their final resting place.

As is the custom in the Muradup Community the volunteer labour will be sourced from a competent pool of workers who have their own equipment and are happy to work under Shire direction.

CONSULTATION

Jill Taylor & Bob Francis
Council Briefing Session – 6 October 2015

STATUTORY REQUIREMENTS

Dividing Fences Act 1961

POLICY IMPLICATIONS

Policy 1.2 – Community Funding Program

Objective: To provide a framework for the provision of funding which meets Council's Strategic objectives in facilitating development initiatives.

FINANCIAL IMPLICATIONS

It is suggested that a picket fence of solid white PVC (*maintenance free*) and style HT7302 as marketed by "Hollywood Touch", Bunbury be selected. (Refer attachment)

A community member is willing to contribute \$4,000.00 to the project (representing about half the capital cost of the fence).

- Capital cost of 150 meters of fence \$8,500.00
- Removal of some trees \$600.00 (Shire cost)
- Volunteer loan of post hole diggers estimated cost \$300.00
- Volunteer labour (with their own tools and equipment) 40 hrs at \$30.00/hr - \$1,200.00
- Total estimated cost \$10,600.00

Council's Community Funding Program allocation would be \$4,500.00 (Account C303) plus removal of some trees along the boundary as listed above.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023

Focus Area 1.2: Feeling good about living in Kojonup

Corporate Business Plan 2013 – 2017

Strategy 1.2.4 – Providing community support and development

RISK MANAGEMENT IMPLICATIONS

Safe Work Methods and Occupational, Health and Safety provisions would apply in accordance with Council requirements under the direction of the Manager Works and Services.

ASSET MANAGEMENT IMPLICATIONS

Fence would be incorporated into Council's Asset Register.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council allocate \$4,500.00 from Account C303 towards the \$10,600.00 project excluding GST to enable a PVC white Picket Fence to be erected along the boundary of the Muradup Cemetery facing the Blackwood Road by community minded volunteers under the supervision of the Manager Works & Services subject to receiving a community donation of \$4,000.00 towards the project which is gratefully appreciated.

COUNCIL DECISION

/14 Moved Cr

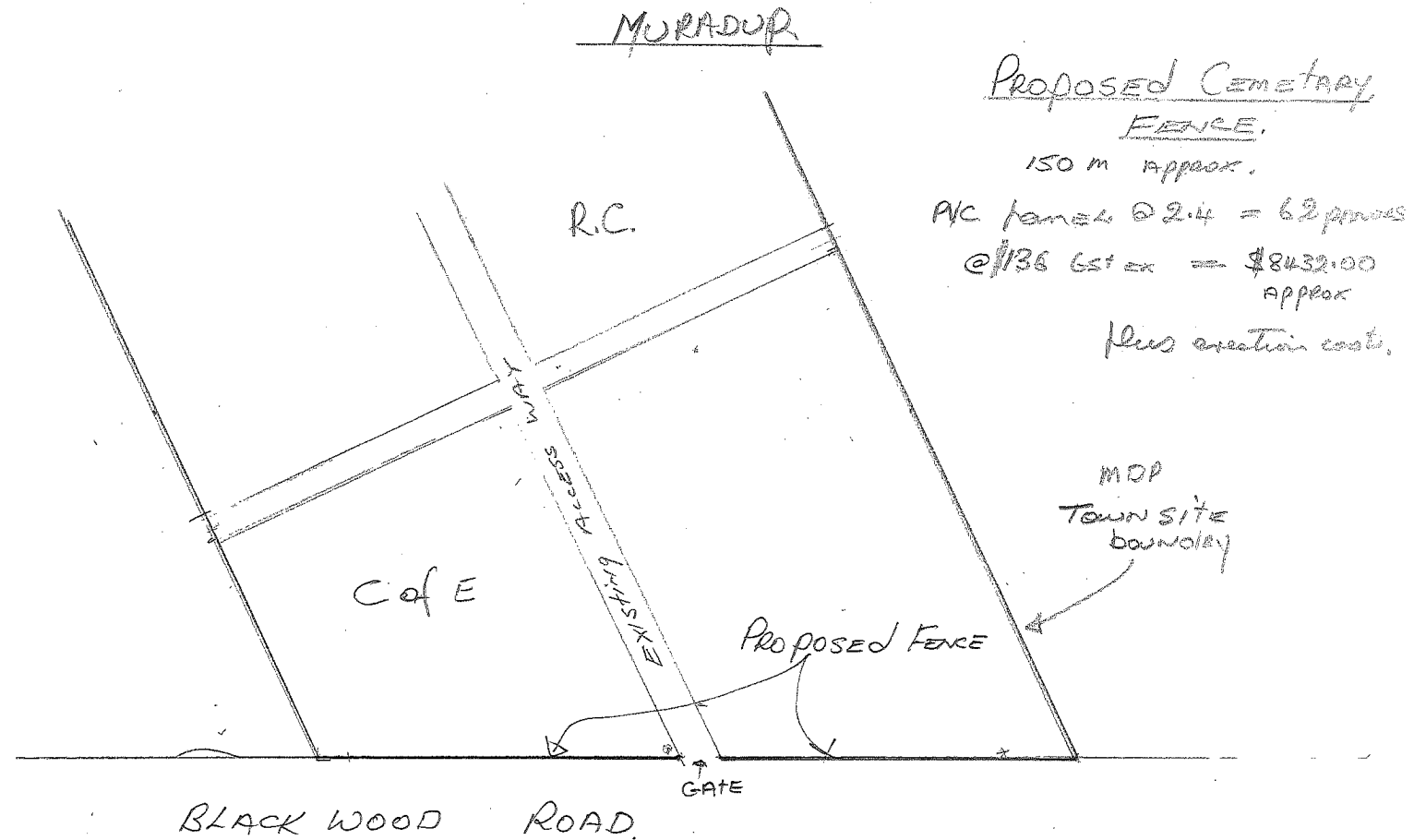
, seconded Cr

CARRIED/LOST

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PICKET FENCE - HT 7302



RHS 1:100
20/8/2015

13.9 ELECTED MEMBER TRAINING – WALGA DISCUSSION PAPER

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Tuesday, 13 October 2015
FILE NO: CM.CIR.1
ATTACHMENTS: 13.9 Policy Options to increase Elected Member Training Participation – WALGA Discussion Paper

DECLARATION OF INTEREST

Nil

SUMMARY

To seek elected member feedback on the Western Australia Local Government Association (WALGA) Discussion Paper regarding policy options to increase Elected Member training participation following on from the Minister for Local Government and Communities announcement at the 2015 WALGA Convention in August 2015 that the State Government is assessing minimum training requirements for elected members.

BACKGROUNDExecutive Summary from WALGA Discussion Paper

In the context of calls for increased participation in Elected Member training in Western Australia and in other Australian jurisdictions, WALGA is undertaking a thorough consultation process with the Local Government sector to explore policy options relevant to this contemporary and important discussion.

This paper, and its associated consultation and policy development process, represents a proactive opportunity for the Local Government sector to shape the debate and develop a policy framework that will increase Elected Member participation in training and professional development, prior to Government imposed policy or legislative change.

Increasing participation in Elected Member training is considered a desirable policy goal for individual Elected Members, for Councils and for the Local Government sector due to the competing demands on Elected Members, the complexity of the Local Government regulatory regime, and importance of Local Government to communities across Western Australia.

To facilitate exploration of policy options to increase Elected Member participation in training, three tiers of currently available training, based on the nationally recognised Local

Government Training Package and designed specifically for Elected Members, are discussed:

- i. Introductory training, which aims to provide a fundamental understanding of the role of Local Government;
- ii. Foundation training, which addresses the introductory skills required to operate effectively in a Local Government environment; and,
- iii. Advanced Training, which further enhances the skills required of Elected Members.

Council induction programs, which are often the first point of learning for newly elected

Elected Members are also discussed as complementary to the formal Elected Member training framework. In addition, three mechanisms which increase accessibility to formal training are discussed: recognition of prior learning, the ability for assessments to be modified to suit individual needs and modes of content delivery.

Utilising the existing training framework for Elected Members, the following six policy options, which are not exhaustive, nor mutually exclusive, are explored in this paper:

1. Enhance the desirability of training offerings;
2. Delivery of best practice Council induction programs;
3. Require Councils to adopt a training policy;
4. Require candidates to attend training prior to nominating for election;
5. Incentivise training through the remuneration framework; and,
6. Mandate training for newly elected Elected Members.

Feedback from the Local Government sector in relation to the policy options listed above, or any other relevant matter, is sought by **Friday, 13 November 2015**.

The policy framework recommendations that stem from this consultation process will be the subject of thorough Zone and State Council consideration during a subsequent Zone and State Council meeting process.

COMMENT

Council at its Briefing Session held 6 October 2015 discussed the paper in detail with the general consensus of Councillors agreeing to the following comments provided by Cr Robert Sexton:

“Elected Member Training

Although it is undeniable, in a general sense, that training and education is not a bad thing in itself it is the relevance and level of training and what the true outcomes really are that is the issue before us.

The proposed working paper as promoted by WALGA is primarily promoting themselves as the trainers (1.1 P 7) and then makes the argument to fit that model. I will contend in this paper that there are many other aspects of the participation of Elected Councillors that have either been overlooked or understated. I recognise the danger in engaging in a debate about education which will cloud the real issues at stake, the issue is compulsion and freedom of choice.

The clear bias to some sort of compulsory training with the discussion of penalties or having achieved some sort of standard prior to nominating for an elected Councillor should be dealt with firstly.

The very idea of having some sort of basic literacy or educational status is totally against our long history that all citizens have a right to nominate for Council; it is for the electors to decide on their merit not some arbitrary external standard. The very fact that elected representatives from their varying backgrounds, educational status, life experience and personality are able to bring to the Council the wide cross section views of community values and expectations should be self-evident and embraced. If the pool of potential candidates were to be artificially narrowed then we, as a Council, would be the poorer for that occurrence.

It has been my life experience working in Local Government alongside more than fifty elected Councillors that they all brought something of value to the Council, it is recognised some more than others, but they all had a legitimate elected place to reflect community values and expectations. The most important aspect is that every citizen has the right to nominate and if elected then has the mandate to be part of making the local government process work.

The idea that single issue people are somehow lesser mortals is also quite false and insulting. Single issue people gave us the universal right to the vote, equal pay, women's rights, universal health care, Mabo, superannuation, asbestosis judgements etc., etc., the people who promoted the single issues then invariably go onto other more universal issues. The simple point here is that the passion, focus and dedication needed for a single issue are all the characteristics needed and should be fostered in Local government. The single issue person in LG is somehow portrayed as being narrow-minded, there is a big difference between single-minded and narrow-minded.

In my view the training of Councillors should be conducted or facilitated by the internal professionals or easily obtained experts who already exist. That is, the President (or nominated lecturer) can conduct sessions as to what is expected politically from the elected members and the best methods to achieve political outcomes.

It has also been my experience that the CEO or senior officers have always been most willing to share or conduct sessions to explain the workings of their respective areas of responsibility. My objection to most of the training is that the objective seems to be to turn us all into a universal beige colour and clones with the same ideas, the very fact that we are different one to the other with different styles and ideas are desirable characteristic traits and should be fostered as strengths.

*The contention in the working paper that untrained Councillors are somehow deficient in the skills to guide a Council is quite false. The Council employs properly qualified professional staff to carry out the actual process of government. The Local Government Act (LGA) (the largest Act of the WA Parliament) is full of mandated processes and laws that govern the activities of the Council; the CEO is required by law not to act contrary to the LGA (*ultra vires*) regardless of any resolution of the Council.*

The CEO by virtue of the position held is required to give advice to the Council that is in accordance with the LGA and any other lawful statute existing at the time of the advice given, the requirement for the CEO to act in this way counterbalances the potential for elected Council to act in a way that is unsound or has any potential for illegality.

The idea that the training (1.3.3) could be linked to councillor's remuneration is another threat, although it is not spelt how this would be implemented, however the threat is there. It can also be read that remuneration is linked to performance (completing training) or on number of meetings attended, there is only a small step from there to some sort of performance judgement, such as is commonly applied to employees as a condition of employment. The essential difference is that the elected person is not an employee in that sense but a board director, with responsibility for direction not executive functions.

The premise that if Local Government does not implement training, either mandated or not, leaves the door open for Government intervention is also false or at best misleading. As far as my limited research shows there is not any of the major political parties or independent members of Parliament that have that sort of intervention on their agenda nor has the LG

Minister made statements to that effect, any such idea is more likely to come from the LG department. Although the SA government has mandated levels of competence for elected members, I cannot find any evidence where that has provided a better level of governance that we have, further, there have been recommendations to the NSW Government for similar legislation, those recommendations have been rejected.

There is a parallel here with other departments that I have issues with, DFES in particular. DFES are heading or have in the proposed new Bushfires Act mandated training before I can attend a fire as a firefighter; they now refer to me as “an uncontrolled person in an uncontrolled vehicle” that makes it sound as though I am some sort of danger to society.

The facts are this; I (and my Fire Brigade colleagues) have been attending fires for more than five decades now without mishap, the people who have died at fires have all been properly trained firefighters under the direction of DFES.

My point is quite simple; the training does not necessarily give a better outcome nor does the lack of training necessarily diminish the result. The mandated compliance that is drowning us in law has made us more aware (more training) but has not given us better outcomes as far as good governance is concerned.

My background in community involvement has given me a working knowledge of the LGA, the Bushfires Act, the Incorporations Act, etc. however that has not made me any better equipped to contribute at a board level than any other person, indeed it can be argued that it may diminish the ability to think in a lateral sense.

In conclusion even small moves to erode or diminish people’s rights to determine their own future should be resisted with as much vigour as possible, bigger moves should not be tolerated at all.

The Kojonup Council should adopt a policy of non-mandated training for elected people if those elected people should request it; the Council is quite capable of funding that sort of training.

Any move at all to diminish the pool of potential elected candidates for us in Kojonup I will oppose with as much single-minded vigour as I can.”

CONSULTATION

Council Briefing Session – 6 October 2015

STATUTORY REQUIREMENTS

Local Government Act 1995

Local Government (Administration) Regulations 1996

POLICY IMPLICATIONS

Nil if status quo maintained

FINANCIAL IMPLICATIONS

Nil as budget provision already exists for Elected Member training & education

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 -2023

Focus Area – 1.1 Being Well Governed

Corporate Business Plan 2013 – 2017

Strategy 1.1.5 – Develop and maintain Councillors skills

Strategy 1.1.5.1 – Ensure training, development and networking opportunities are available to Councillors

Strategy 1.1.5.2 – Further develop Councillor induction and mentoring opportunities

Strategy 1.1.5.3 – Implement strategies to improve Councillors role as community leaders and asset custodians

RISK MANAGEMENT IMPLICATIONSRoles and Responsibilities

Council – Responsible for strategic decision making and ensuring adequate resources to meet the requirements of the integrated planning regulations of the Local Government Act.

Senior Management – Responsible for the delivery of the corporate plan, ensuring effective management relating to resourcing staffing and compliance requirements associated with the operations of the Shire.

Risk Management Coordinator – Responsible for development and implementation of the risk management plan and its integration into all aspects of the Shire’s activities.

Staff Members Assigned a Risk – Once a risk has been assigned to an officer for action, they will ensure appropriate resources are allocated to mitigate, or resolve the risk. If identified risks cannot be resolved at an operational level, they are to be referred to the Senior Management Team (SMT) for resolution.

Occupational Safety and Health Coordinator and Representatives:

- The designated OHS Representatives have the following authority and responsibilities:
- Risk identification and recording on Shire’s template;
- Updating the risk register and priority listings;
- Establishing OSH risk mitigation measures;
- Reporting risk resolution strategies to SM ; and
- Assignment of risk responsibility.

ASSET MANAGEMENT IMPLICATIONSResponsibility and Reporting

Council – Council is responsible for ensuring (upon recommendation of the CEO) that resources are allocated to achieve the objectives of any adopted asset management plans. In adopting asset management plans, Council is also determining the Level of Service for each asset class.

Chief Executive Officer (CEO) – is responsible for ensuring that systems are in place to ensure that Council’s Asset Management Policy, Asset Management Improvement Strategy, Asset Management Plans are prepared and kept up to date, reviewed at least annually and that recommendations are put to Council in relation to appropriate resource allocation to fulfil the objectives of the above documents. The CEO reports to Council on all matters relating to Asset Management.

Asset Management Working (AMWG) – is responsible for ensuring that Council’s Asset Management Improvement Strategy is achieved and that Asset Management Plans are prepared and maintained in line with Council’s Policy on Asset Management.

All Managers – are responsible for ensuring that resources under their control are appropriately allocated to resource asset management and in particular the cross functional Asset Management Working Group. All Managers report to the CEO on all matters relating to Asset Management under their area of control.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council endorse the contents of Cr Robert Sexton’s Elected Member Training paper and refer same to the Western Australia Local Government Association.

COUNCIL DECISION

/15

Moved Cr

, seconded Cr

CARRIED/LOST

/

13.10 METROPOLITAN LOCAL GOVERNMENT REFORM – WALGA DISCUSSION PAPER

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Tuesday, 13 October 2015
FILE NO: CM.CIR.1
ATTACHMENTS: 13.10 Metropolitan Local Government Reform – Lessons Learnt – WALGA Discussion Paper

DECLARATION OF INTEREST

Nil

SUMMARY

To seek Councils endorsement of the Chief Executive Officer response to the WALGA Discussion Paper on “Lessons Learnt from the Metropolitan Local Government Reform Process.”

BACKGROUNDExtract of Executive Summary:

This paper has been prepared to capture ‘lessons learnt’ from the 2011-2015 Metropolitan Local Government Reform process to ensure that any future reform process is undertaken appropriately and strategically for the benefit of local communities.

The focus of the paper is on lessons learnt at a sector-wide, strategic level and submissions are invited from Local Governments that have captured learnings from an organisational perspective for the further development of this paper.

Key themes have been identified to extract learnings from the process:

Politically, the Government’s policy options were constrained by a commitment to “no forced amalgamations” and to using existing provisions of the *Local Government Act 1995*. Further, the Government failed to politically sell the argument in favour of reform and this allowed opponents to effectively campaign against the change.

The policy framework, which was shaped by the Government’s political constraints, caused significant implementation issues for Local Governments. The dual transition framework, involving amalgamations and boundary adjustments, is discussed as is the lack of legislative authority for Local Implementation Committees that were charged with implementing reform at a local level.

Other key themes include funding for implementation of reform, the implementation timeframe and the uncertainty associated with some aspects of the reform process.

The paper also explores Metropolitan Local Government Reform through the lens of change management theory. In particular, Kotter’s 8-Step Process for Leading Change provides a useful theoretical framework through which the reform process can be assessed.

Finally, a more appropriate process for future Local Government Reform is outlined and the following key learnings are discussed:

- i. Local Government Reform is broader than boundaries;
- ii. A collaborative process will be more successful than a confrontational process;
- iii. A shared vision of a better future needs to be developed with Local Government input;

- iv. Local Implementation Committees must be legislatively empowered to make decisions necessary for the implementation of reform;
- v. It should not be assumed that the community is ambivalent about their Local
- vi. Government; and,
- vii. Reforms should be carefully and strategically planned and processes should be clearly defined and understood.

After all, Local Government reform is too important and too costly to not do well.

COMMENT

I agree to WALGA's "take" on the process and what occurred, however the paper did not provide any real recommendations for the future of Local Government reform in an attempt (at the very least) to lead discussion.

For example; what research has been included in the paper regarding "Reform" attempts in the Eastern States and how was this process managed and how successful were the outcomes?

Possession of this information then allows Local Government in Western Australia to make a judgement on the best way forward?

Once this information is provided then seek comments from Local Governments on their recommendations for the future? If the local governments agree on the best way forward then any future reform will be a lot easier to manage!

Let me expand further:

We clearly need to establish the meaning of "Reform" as against "Amalgamation or Mergers?"

The failed Metropolitan reform focussed predominantly on amalgamation/mergers using boundary adjustments to substantiate demographic equity.

Residents/Ratepayers logically tend to take a view of council mergers based on self-interest.

Australia is renowned for its parochialism which is particularly evident in traditional sports such as football.

With an ageing population is there a tendency for senior citizens to vote at Local Government Elections rather than younger voters which raises the question "Is this vote indicative of/or balanced against the identified needs not wants of early childhood to aged pensioners regarding the type and level of sustainable services required from Local Government?"

What are the social, environmental, economic drivers for Councils? Western Australia covers a huge area with over 90% of the population centered on the coastal fringes. The greatest density exists within a 100km corridor North, South and East of Perth. The rationale of the State Government to focus initially on Metropolitan Reform based on the above population density is justified.

What wasn't clearly articulated and understood by Local Government and electors were the guiding reform principles. The discussion paper needs to challenge Local Government to

identify how it has improved strategic planning and operational outcomes aligned to these principles.

These principles are not dissimilar to those of the Australian Institute of Company Directors and the ASX Corporate Governance Principles and Recommendations and nor should they be as Councils are responsible for significant sums of public money, cover a diverse range of disciplines and employ a significant number of staff and contractors.

The draconian days of a Master and Servant relationship between elected members and staff has thankfully been replaced with contemporary corporate governance practices underpinned by due care and diligence and the “if not, why not” approach!

The State Government process failed to respect the legislative rights of ratepayers to vote against the reform process.

The Local Government Act should embrace the below principles to ensure regardless of a council’s size that there is industry uniformity and compliance relative to undertaking the “Business of Local Government.”

Principle 1: Embrace opportunity and strive for best practice (prefer term - continuous improvement)

- Are we as an industry meeting strategic and operational objectives?
- Are objectives realistic?
- If not, why not?
- What extent of resource sharing and regional collaboration/planning is occurring?
- What performance measures are in place?
- If not what are the barriers?
- Are trends/forecasts undertaken and measureable for future integrated planning?
- How do ratios compare with similar councils?
- What ratios are being used by Local Government?
- To what extent are councils undertaking services devolved from the State?
- Local Government undertakes joint waste management operations but what else are we doing to improve efficiencies? For example how many councils are sharing opportunities for payroll, rates, OSH, risk management and HR to reduce the duplication of effort and resources especially in rural and remote councils?
- What is the role of WALGA and the Department of Local Government & Communities to explore such opportunities with Councils?

Principle 2: Attract and retain quality staff and develop career opportunities

- What analysis has been undertaken on staff levels for each band of Councils?
- Where are gaps?
- What extent of resource sharing is being undertaken to fill gaps or are councils relying on the private sector or WALGA to fill the void?
- How effective are workforce plans?
- Are succession plans evident?
- What is the level of training and development?
- How many larger Councils share Human Resource specialists?
- Are on line training and development modules available rather than attending sessions in Perth? If not, why not?

- Has a skills audit for WA Local Government been undertaken to determine gaps or opportunities especially career development?

Principle 3: Engage community and work together

- What type of communication and reporting do councils undertake with the community/stakeholders other than statutory requirements?
- How well do communities know the “Business” of Local Government?
- What level of Integrated Planning is being undertaken at Local, State and Federal levels recognising that election cycles at state and federal levels every 4 and 3 years respectively may result in a complete refocus on government policy?
- What services have been devolved to Local Government in the past decade and why?
- What is the gap to renew, replace and maintain infrastructure?
- Will this trend continue short, medium, long term regardless of structural change?
- Are service standards measured and what are strategies to improve sustainability?

Principle 4: Increase local government capacity and improve community outcomes

- What level of rationalisation and multi-purpose development is occurring in Local Government to deliver better services and infrastructure?
- What efficiencies or improvements are being undertaken to increase revenue streams rather than purely focus on cost cutting measures?
- Are community expectations unreasonable or unrealistic and if so how has this been determined and communicated to the community that reform including mergers is more beneficial than retaining the status quo?
- Forward planning of water, sewer, power and telecommunications infrastructure is often difficult to achieve if it does not align with State or Federal planning. How will reform improve this position?
- Return on investment in rural and remote areas is almost impossible to achieve given the amount of “Headwork Charges” imposed in comparison with metropolitan developments and is unlikely to change unless supported by the commonwealth regardless of Local Government reform. Discussion needed for/against such a statement!

Principle 5: Reduce local government bureaucracy and streamline systems

- Bureaucracy is driven by the State and Commonwealth not Local Government and is seen by some as a “toothless tiger” dependent upon State and Commonwealth funding to meet operational and capital works.
- To customise a Paul Keating classic: “*Never stand between a council and a pot of other people's money.*” In other words, merge them by all means, but they will keep on increasing rates and charges as they please (unless limited by legislation).
- “Super councils” would be likely to develop the same empire-building tendencies of state and federal departments. Some “non-super councils” already have those tendencies, where non-jobs start being created for non-reasons and the public pays.
- The other likely problem with the historic lack of savings from mergers would be that the governments forcing them did not use an adequate process, or lock in desirable savings requirements.
- A great difficulty for anyone pushing reform is what to do about wildly differing rate levels. Some are relatively cheap, with many more somewhere in the middle. So that would have to be managed in any reform process and it is hard to imagine how rates for some of the less expensive councils would not increase.
- Then there is the question of annual rates and charges. Councils may increase rates by however much they like, subject only to political considerations and the level of

understanding and concern they have about economic matters and the financial lives of ratepayers and businesses. Has rate capping really worked in the Eastern states?

- There are instances in rural communities where the comment “We are rural and do things differently than the city therefore the Food Act doesn’t apply to the same extent to our business” demonstrates a disconnect from reality!
- How compliant are councils?
- How effective is council governance? What are the discrepancies? How are they overcome?
- What are the robust systems and processes that need to be introduced to improve overall efficiency of local government?
- How will this be improved through structural reform?

Principle 6: Deliver open and transparent communication

- This discussion paper encourages open and transparent communication and dialogue with all stakeholders however “words” must also translate into tangible outcomes and actions!

Has WALGA or the Department of Local Government & Communities undertaken a comparative analysis or scorecard of Council Annual Reports addressing the following:-

- How many elected members per Council
- Population of each Council over past 10 years
- Number of employees per council including per division/department and comparison of FTE employment levels over past 10 years
- Area covered by each Council
- Rates levied per Council over last 10 years to establish trend, annual increases/changes
- Number of building/development/planning applications over past 10 years
- How many have completed Integrated Planning requirements such as Community Strategic Plan, Corporate Business Plan, Long Term Financial Plan, Risk Management Plans, Workforce Plans, Asset Management Plans, etc.
- What level of local government reform has been achieved in the last 10 years in Australia?

Any reform or change process should deal with quantitative and qualitative information and data rather than supposition and rhetoric otherwise emotion overshadows continuous improvement and innovation!

CONSULTATION

Council Briefing Session – 6 October 2015

STATUTORY REQUIREMENTS

Local Government Act 1995

Local Government (Administration) Regulations 1996.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC/CORPORATE IMPLICATIONSCommunity Strategic Plan 2013 – 2023

Focus Area – 1.1 Being Well Governed

Corporate Business Plan 2013 – 2017

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

Strategy 1.1.3 – Support regional collaboration and resource sharing

Strategy 1.1.4 – Maintain robust systems and controls

RISK MANAGEMENT IMPLICATIONS

Nil

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council endorse the contents of the Chief Executive Officers report and refer same to the Western Australia Local Government Association.

COUNCIL DECISION

/15 Moved Cr , seconded Cr

CARRIED/LOST /

14 AGED CARE SERVICES REPORTS

Nil

15 COMMUNITY DEVELOPMENT & TOURISM REPORTS

Nil

16 COMMITTEES OF COUNCIL

16.1 KOJONUP BUSH FIRE ADVISORY COMMITTEE MINUTES

OFFICER RECOMMENDATION

That the attached unconfirmed minutes of the Kojonup Bush Fire Advisory Committee held Monday, 5 October 2015, be received by Council.

COUNCIL DECISION

/15 Moved Cr , seconded Cr

CARRIED/LOST /

16.2 KOJONUP BUSH FIRE ADVISORY COMMITTEE

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Monday, 12 October 2015
FILE NO: GO.CNM.9
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

To seek Council's consideration in the 6 monthly 2015/2016 Budget review to allocate an annual amount of \$3,000.00 from the Community Assistance Program to offset costs incurred by the volunteer positions of Chief Bush Fire Control Officer (CBFCO) and Zulu's (if claimed) in relation to travelling and attendance at Department of Fire & Emergency Services (DFES) and Lower Great Southern District Operations Advisory Committee (DOAC) meetings on behalf of the Shire of Kojonup and also reimbursing expenses such as telephone incurred throughout the bush fire period.

BACKGROUND

Historically reimbursement of expenses incurred by volunteers in the positions of CBFCO and Zulu's have been absorbed by respective individuals as their contribution to the community in protecting and responding to bush fires throughout the shire and in neighbouring shires regardless of the demands placed on them or their family.

COMMENT

The community through the payment of the Emergency Services Levy (ESL) and fund raising efforts of Fire Brigades aim to ensure that the plant, equipment and PPE needs for brigades as a whole are generally maintained with private property owners possessing their own firefighting equipment in order to respond when assistance is needed. This is the Australian way to help your mate when in need!

The CBFCO and Zulu positions are "the glue" to ensuring resource allocation, rapid response, coordination, support, fire practices and processes are maintained to ensure the safety of any volunteer required at the fire ground. These positions come with great responsibility and accountability. Is it an unrealistic expectation to the community for some funds to be allocated to offset any direct costs incurred by the CBFCO and Zulu's should they seek reimbursement? Similarly the present review of expenses that may/may not be claimed under the Emergency Services Levy should also make provision for reimbursement of legitimate costs incurred by the CBFCO and Zulu's.

CONSULTATION

Kojonup Bush Fire Advisory Committee Meeting held 5 October 2015

STATUTORY REQUIREMENTS

Bush Fire Act 1954 & Regulations

Fire Brigades Act 1942 & Regulations

Fire and Emergency Services Authority of Western Australia Act 1998

Emergency Services Levy Act 2002

Emergency Management Act 2005

Local Government Act 1995- Local Laws

POLICY IMPLICATIONS

Kojonup Bush Fire Advisory Committee – Terms of Reference
 Delegation Register – Fire 001 - 005

FINANCIAL IMPLICATIONS

Page 47 of 2015/16 Annual Budget lists \$170,527.00 of expenses and \$45,000.00 income of which \$44,230.00 is by way of ESL Levy funding.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023

Focus Area 1.4 – Living in a safe community

Corporate Business Plan 2013 – 2017

Strategy 1.4.4 – Maintain Community Safety

Strategy 1.4.4.1 – Maintain a community driven response to bushfire risk management.

RISK MANAGEMENT IMPLICATIONS

To ensure the Emergency Management System is robust, communicated and tested	Determine skills, knowledge and awareness of Emergency Management	Perform baseline emergency management knowledge and awareness survey and complete a skills gap analysis for emergency training of staff;
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To review Shire Business Continuity / Community Emergency Recovery Arrangements	Review current arrangements and address identified gaps	Develop Shire Emergency Recovery Arrangements with LEMC and key stakeholders.
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ASSET MANAGEMENT IMPLICATIONS

Ensure resources required to meet Emergency Service’s needs (including Bush Fires) are balanced against each level of government’s responsibilities.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council as part of the 2015/2016 half yearly budget review give consideration to making an annual allocation of \$3,000.00 under the heading “Fire Prevention” to offset the Chief Bush Fire Control Officer and Zulu’s direct costs of performing their duties should they wish to be reimbursed for same.

COUNCIL DECISION

/14 Moved Cr , seconded Cr

CARRIED/LOST /

16.3 SPORTS PRECINCT ADVISORY COMMITTEE

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Wednesday, 12 August 2015
FILE NO: FM.TND.2
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

To seek Council's endorsement to amend the Terms of Reference and establish a Sports Precinct Advisory Committee given Council now possesses a Sports Precinct Master Plan.

BACKGROUND

Council at its meeting held 19 November 2013 appointed Cr Fleay and Cr Sexton as member and deputy member respectively on the Sporting Precinct Management Committee. Since this time Council engaged ABV Leisure Consultants to engage with sporting groups and the community to develop a Sports Precinct Master Plan which was subsequently received by Council on 21 July 2015 (Decision 115/15).

COMMENT

The Master Plan considers the current and future needs of the Shire and provides a realistic, measured and achievable approach to the redevelopment of the Kojonup Sports Precinct (KSP).

The aim of the study is to:

- Identify potential developments for active and passive recreation/community pursuits
- Reduce duplication and fill gaps in facility provision
- Identify opportunities for collocation and shared use of facilities
- Ensure new facilities integrate with and complement existing structures
- Improve vehicular and pedestrian access
- Improve car parking and storage provisions
- Identify potential energy saving options

The key components of the study include:

- Review of existing facilities and their current usage
- Analysis of demographic and population projection data and sports participation data to estimate potential future demand for facilities
- Extensive consultation with the Shire, community and key stakeholders to determine future provision needs
- Comparative review of sport and recreation issues and trends in facility development in similar regional local government authorities (LGAs)
- Development of a concept plan for the entire site and for an upgraded Sports Complex facility with construction cost estimates and life cycle costs
- Development of a prioritised list of capital works identified in the Master Plan
- Identification of funding opportunities

The Master Plan will assist the Shire in providing a well-planned, sustainable recreation precinct that provides a diverse range of recreation opportunities for the community and improves the capacity of the user groups now and in the future.

Cr Trethowan, CEO and Council officers have conducted a series of workshops with Sports Complex User Groups and the Kojonup District High School to assess the consultant's recommendations on realistic staged development opportunities in an attempt to consolidate works that can be achieved on a short, medium and long term basis including cost-benefit analysis.

This work will assist in the progression of forward planning and external grant funding applications particularly National Stronger Regions Fund – Round 3 and /or 4 as well as Stronger Communities Fund, CSRFF, Royalties for Region and Lottery West.

It is envisaged that workshop outcomes will be completed by 31 October 2015. The new Committee can then focus on working collaboratively with Council to prioritise projects (both capital and operationally) that can be realistically staged and funded within realistic timeframes.

Present Terms of Reference:

A user group of the Kojonup Sporting Complex established to provide feedback to staff and Council on the needs, wants, issues for the operation of the complex and input into future planning and upgrade of Kojonup recreational facilities.

Suggested Terms of Reference:

- Assist Council manage and administer the affairs of the Kojonup Sports Precinct bounded by Blackwood/Pensioner Roads, Delaney/Gordon Streets in accordance with the Community Strategic Plan and Sports Precinct Master Plan.
- Identify, list, prioritise and ensure that all repairs and maintenance work is performed as required.
- Make recommendations to Council as to the fees and charges to be set for the use and hire of the grounds and facilities.
- Present to Council a ten year management plan for the maintenance and development of the facility (with the assistance of Council Staff).
- Submit to Council no later than 31 May each year, a budget for the following financial year (1 July to 30 June) with supporting information for Council's consideration.
- Monitor budget performance and report to Council on budget variations greater than \$5,000.00.
- Liaise with Council for the hiring of the grounds and facilities and to ensure each regular hirer signs a "Hire Agreement Form" annually and provides a Certificate of Currency for public liability insurance each year for their respective uses.
- Ensure where required that casual hirers have signed a "Hire Agreement Form" before using the facility and paid an additional fee for public liability insurance if they don't have their own insurance cover.
- Provide a current list of committee members and contacts to Council and ensure each committee member signs a "Volunteers Form" annually to ensure coverage by Council's insurance policies.
- Provide annual financial statements and an annual report to Council no later than 1 December each year outlining the clubs achievements/challenges, etc.
- Provide evidence each year by 1 December of the clubs/associations, groups' compliance with its Rules or Constitution.
- Monitor each Club's / Association's compliance with the lease agreements established with Council for use of the facilities.
- Ensure compliance with Council's risk management policy and procedures.

- Quorum seven members and to meet at least quarterly.

Present Membership:

Everyone welcome, but generally:

- One representative per sporting organisation at the Complex;
- Schools;
- Councillor(s);
- Representative(s) of the Chief Executive Officer.

Suggested Membership:

One representative from each of the following organisations who will have formal voting rights on behalf of that organisation:

- Kojonup Football Club
- Kojonup Hockey Club
- Kojonup Squash Club
- Kojonup Netball Club
- Kojonup Swimming Club
- Kojonup Junior Football Club
- Kojonup Cricket Club
- Kojonup District High School
- St Bernard's School
- Kojonup Bowls Club
- Kojonup Croquet Club
- Kojonup Tennis Club

Two representatives from the following:

- Shire of Kojonup Council
- Independent Community Members
- Shire of Kojonup – Chief Executive Officer and Community Development Officer

CONSULTATION

Sports Complex User Groups
Council Briefing Sessions

STATUTORY REQUIREMENTS

Local Government Act 1995

POLICY IMPLICATIONS

Policy 1.2 – Community Funding Program (Capital & Operating) which aims to provide a framework for the provision of funding which meets Council's Strategic objectives in facilitating community development initiatives.

Policy 3.16 – Community Consultation Charter which aims to reflect Council's commitment to open and effective consultation with the community in the process of making important decisions about the wellbeing of the community.

FINANCIAL IMPLICATIONS

- Project Planning and Asset Management for all works proposed and undertaken
- Resource Management and Infrastructure Planning costs now and in the future
- Accessing grant funding for staged development to occur within reasonable time frames.

- Long Term Financial Plan consequences
- Operational expenses within the sports precinct identified and known by members

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023

Focus Area 1.5 – Staying Active and Entertained

Corporate Business Plan 2013 – 2017

Strategy 1.1.1 – To expand the way Council communicates with the community and ensure appropriate response times.

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

Strategy 1.2.4 – Providing community support and development.

Strategy 1.5.2 – Maintaining an active, healthy and social community.

RISK MANAGEMENT IMPLICATIONS

The Shire of Kojonup considers risk management to be an essential management function in its operations. Council recognise that the risk management responsibility for managing specific risks lies with the person who has the responsibility for the function, service or activity that gives rise to that risk. Council is committed to the principles, framework and process of managing risk as outlined in AS/NZS ISO 31000:2009

The Shire will manage risks continuously using a process involving the identification, analysis, evaluation, treatment, monitoring and review of risks. It will be applied to decision making through all levels of the organisation in relation to planning or executing any function, service or activity.

In particular it will be applied to:

- Strategic and operational planning
- Expenditure of large sums of money
- New strategies and procedures
- Management of projects, tenders and proposals
- Introducing significant change
- The management of sensitive issues

ASSET MANAGEMENT PLAN IMPLICATIONS

The Shire of Kojonup is committed to ensuring that Asset Management is recognised as a major corporate function.

The Shire is committed to making informed decisions in relation to its infrastructure assets. To achieve this, the Shire will maintain an Asset Management Improvement Strategy that guides the implementation of asset management across the organisation for the following classes of infrastructure assets:

1. Infrastructure (Including Roads, Footpaths, Kerbing and Signs)
2. Drainage
3. Buildings
4. Parks & Reserves

Asset Management Planning will form part of the Shire's day-to-day business practices and will be used to make informed decisions in relation to service delivery across:

- New asset acquisition

- Renewal of assets
- Upgrade of assets
- Disposal of assets

The Shire of Kojonup has limited resources and is the custodian of a large number of assets. Therefore, when making decisions in relation to infrastructure assets, the Shire is committed to the philosophy of renewing assets before acquiring new assets. In addition, where possible, rationalising assets that are no longer used or do not provide the agreed level of service.

The Shire of Kojonup is committed to determining the Level of Service required for infrastructure assets in a collaborative manner with asset stakeholders.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. **Establish a Sports Precinct Advisory Committee to replace the Sporting Precinct Management Committee.**

2. **Membership:**
One (1) representative from each of the following organisations who will have formal voting rights on behalf of that organisation:
 - **Kojonup Football Club**
 - **Kojonup Hockey Club**
 - **Kojonup Squash Club**
 - **Kojonup Netball Club**
 - **Kojonup Swimming Club**
 - **Kojonup Junior Football Club**
 - **Kojonup Cricket Club**
 - **Kojonup District High School**
 - **St Bernard's School**
 - **Kojonup Bowls Club**
 - **Kojonup Croquet Club**
 - **Kojonup Tennis Club**
 - **Shire of Kojonup – Chief Executive Officer**
 - **Shire of Kojonup – Community Development Officer**
 - **Shire of Kojonup – Councillors (two (2) representatives)**
 - **Independent Community Members (two (2) representatives)**

3. **Terms of Reference:**
 - **Assist Council manage and administer the affairs of the Kojonup Sports Precinct bounded by Blackwood/Pensioner Roads, Delaney/Gordon Streets in accordance with the Community Strategic Plan and Sports Precinct Master Plan.**
 - **Identify, list, prioritise and ensure that all repairs and maintenance work is performed as required.**

- **Make recommendations to Council as to the fees and charges to be set for the use and hire of the grounds and facilities.**
 - **Present to Council a ten year management plan for the maintenance and development of the facility (with the assistance of Council Staff).**
 - **Submit to Council no later than 31 May each year, a budget for the following financial year (1 July to 30 June) with supporting information for Council’s consideration.**
 - **Monitor budget performance and report to Council on budget variations greater than \$5,000.00.**
 - **Liaise with Council for the hiring of the grounds and facilities and to ensure each regular hirer signs a “Hire Agreement Form” annually and provides a Certificate of Currency for public liability insurance each year for their respective uses.**
 - **Ensure where required that casual hirers have signed a “Hire Agreement Form” before using the facility and paid an additional fee for public liability insurance if they don’t have their own insurance cover.**
 - **Provide a current list of committee members and contacts to Council and ensure each committee member signs a “Volunteers Form” annually to ensure coverage by Council’s insurance policies.**
 - **Provide annual financial statements and an annual report to Council no later than 1 December each year outlining the club’s achievements/challenges, etc...**
 - **Provide evidence each year by 1 December of the clubs/associations, groups compliance with its Rules or Constitution.**
 - **Monitor each Club’s / Association’s compliance with the lease agreements established with Council for use of the facilities.**
 - **Ensure compliance with Council’s risk management policy and procedures.**
- 4. Meetings to be held at least quarterly with a quorum of any seven (7) members required.**

COUNCIL DECISION

/14 Moved Cr , seconded Cr

CARRIED/LOST /

16.4 NATURAL RESOURCE MANAGEMENT ADVISORY COMMITTEE

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
 DATE: Thursday, 24 September 2015
 FILE NO: GS.PRG.7
 ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to establish a Kojonup Natural Resource Management (NRM) Advisory Committee as agreed by Council Decision 51/15:.

“That Council write to the Commissioner for Consumer Protection before 30 April 2015 urging the balance of Landcare funds now held by the Commission to be transferred to the Shire of Kojonup conditional upon the following:

1. *The funds will be placed in a Natural Resource Management (NRM) Trust Account held by the Shire of Kojonup for use specifically on LandCare/NRM projects, and*
2. *Council agrees to establish a NRM Advisory Committee to advise Council on NRM matters and projects that should be promoted or pursued utilizing the Trust funds.”*

BACKGROUND

The Commissioner required Council to clearly list the projects that would be undertaken using the balance Landcare funds resulting in Item 16.2 being tabled at 19 May 2015 Council Decision 83/15:

“That Council write to the Commissioner for Consumer Protection advising that funds presently held by the Commission would enable the Shire of Kojonup to progress the following projects:-

1. *Bridal Creeper and tagasaste Eradication program.*
2. *Managing water resources including water harvesting and re-use opportunities in the Shire for the use in Kojonup parks and reserves during summer.*
3. *Undertake weed management and planting of native trees and shrubs in conjunction with Schools, Kojonup Aboriginal Corporation and community groups within identified Reserves such as:*
 - a) *Myrtle Benn, Farrar and Quin Quin;*
 - b) *Showground’s area; and*
 - c) *Blackwood Road arboretum.*

to improve bio diversity, fauna habitat and natural resource management outcomes.”

Council then sought community nominations via an item in the Kojonup News in accordance with Decision 51/15 Clause 2 above following official advice being received from the Commissioner that Council would receive the balance Landcare funds of approximately \$103k.

COMMENT

At the close of nominations three (3) persons namely: Graham Blacklock, Kath Mathwin and Jennifer Egerton-Warburton had signified an interest to be members of the Kojonup NRM

Advisory Committee, all of whom have been actively involved in past Landcare and Land Conservation District projects and bring a wealth of knowledge to the Advisory Committee.

Terms of Reference

To establish a cooperative partnership arrangement whereby Natural Resource Management (NRM) and Community values compliment the strategic objectives of attracting research, developing and extending opportunities that enhance economic, environmental, cultural and social outcomes within the Shire and our neighbours.

Aims and Objectives

To work collaboratively with the community under the following five (5) main areas:

1. **Economy, Community and Environment**
Develop an NRM strategy for the Shire of Kojonup based on natural asset condition and management driven by the triple bottom line approach.
2. **Stewardship and Partnerships**
Undertake or ensure Environmental planning, policies and activities protect and preserve environmental assets, reserves and ecology within Kojonup's natural and agricultural ecosystems.
3. **Collaboration and Capacity Building**
Actively participate and promote sustainable NRM including education, research and policy development programs, on ground projects, and funding opportunities.
4. **Innovation and Education**
Increase awareness of the implications of climate change and develop management actions for the Shire, primary producers and local businesses to create opportunities.
5. **Leadership and Responsibility**
Develop and implement Best Management Practices (BMPs) for Shire activities to improve the Environmental performance of the organisation.

Initial Projects

- Develop and implement a sustainable Bridal Creeper and Tagasaste Eradication program.
- Assist Council progress the sustainable management of water resources including water harvesting and re-use opportunities in the Shire.
- Coordinate weed management and planting of native trees and shrubs to improve bio diversity, fauna habitat and natural resource management outcomes in conjunction with Schools, Kojonup Aboriginal Corporation and community groups within identified Reserves such as:
 - a) Myrtle Benn, Farrar and Quin Quin;
 - b) Showground's area; and
 - c) Blackwood Road arboretum.

Membership

- Three (3) Community Representatives as endorsed by Council
- Two (2) Councillors

- Supervisor Horticulture Tradesperson
- Community Development Officer
- Chief Executive Officer or delegated nominee and
- Senior Ranger/Building Maintenance Coordinator

Meetings

Meetings to be held at least half yearly with a quorum of any five (5) members required.

CONSULTATION

Department of Commerce – Consumer Protection
Kojonup News

STATUTORY REQUIREMENTS

Local Government Act 1995

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.

FINANCIAL IMPLICATIONS

Prudent allocation of Landcare funds through a defined process that is prioritised by the Advisory Committee for Council's consideration.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023

Focus Area 1.2 – Feeling Good about living in Kojonup.

Corporate Business Plan 2013 – 2017

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.

RISK MANAGEMENT IMPLICATIONS

Natural Resource Management outcomes should be community driven and not solely reliant on the Shire of Kojonup to initiate.

ASSET MANAGEMENT IMPLICATIONS

Council and the Advisory Committee need to remain prudent in the application of NRM funds in order to deliver tangible Natural Resource Management outcomes for the benefit of the Shire of Kojonup.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION**That Council:**

- 1. Establish the Kojonup Natural Resource Management (NRM) Advisory Committee to advise Council on NRM matters and projects that should be promoted or pursued utilizing the LandcareTrust funds or sourcing external funds.**
- 2. The NRM Trust Fund Reserve to be no less than \$20,000.00 at any one time.**
- 3. Council allocating an agreed annual amount towards NRM projects as mutually agreed and prioritised with the Kojonup NRM Advisory Committee.**
- 4. Community Representatives on the Advisory Committee for the next two (2) years to be Graham Blacklock, Kath Mathwin and Jennifer Edgerton-Warburton.**
- 5. Terms of Reference**
To establish a cooperative partnership arrangement whereby Natural Resource Management (NRM) and Community values compliment the strategic objectives of attracting research, developing and extending opportunities that enhance economic, environmental, cultural and social outcomes within the Shire and our neighbours.
- 6. Aims and Objectives**
To work collaboratively with the community under the following five (5) main areas:
 - a) Economy, Community and Environment**
Develop an NRM strategy for the Shire of Kojonup based on natural asset condition and management driven by the triple bottom line approach.
 - b) Stewardship and Partnerships**
Undertake or ensure Environmental planning, policies and activities protect and preserve environmental assets, reserves and ecology within Kojonup's natural and agricultural ecosystems.
 - c) Collaboration and Capacity Building**
Actively participate and promote sustainable NRM including education, research and policy development programs, on ground projects, and funding opportunities.
 - d) Innovation and Education**
Increase awareness of the implications of climate change and develop management actions for the Shire, primary producers and local businesses to create opportunities.
 - e) Leadership and Responsibility**
Develop and implement Best Management Practices (BMPs) for Shire activities to improve the Environmental performance of the organisation.
- 7. Initial Projects**
 - a) Develop and implement a sustainable Bridal Creeper and Tagasaste Eradication program.**
 - b) Assist Council progress the sustainable management of water resources including water harvesting and re-use opportunities in the Shire.**
 - c) Coordinate weed management and planting of native trees and shrubs to improve bio diversity, fauna habitat and natural resource management**

outcomes in conjunction with Schools, Kojonup Aboriginal Corporation and community groups within identified Reserves such as:

- i. Myrtle Benn, Farrar and Quin Quin;**
- ii. Showground's area; and**
- iii. Blackwood Road arboretum.**

8. Membership

- a) Three (3) Community Representatives as endorsed by Council**
- b) Two (2) Councillors**
- c) Supervisor Horticulture Tradesperson**
- d) Community Development Officer**
- e) Chief Executive Officer or delegated nominee and**
- f) Senior Ranger/Building Maintenance Coordinator**

9. Meetings

Meetings to be held at least half yearly with a quorum of any five (5) members required.

COUNCIL DECISION

/14 Moved Cr

, seconded Cr

CARRIED/LOST

/

16.5 SPRINGS MANAGEMENT COMMITTEE

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Thursday, 24 September 2015
FILE NO: PR.MTC.12
ATTACHMENT: 16.5 Kojonup Spring Agreement 18 September 1999

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to seek Council approval to review the intent of the Springs Management Committee which according to Council records has not met since 2009.

BACKGROUND

In August 1998, the Shire hosted a public meeting to discuss the question of reconciliation between aboriginal and non-aboriginal people in the district. The meeting was facilitated by Fred Collard and Tim Muirhead from Perth. Over the ensuing months the Kojonup Springs Agreement (as attached) was developed and officially signed on 18 September 1999 and is displayed in the foyer of the Council Office.

Membership of the Management Committee consisted of:

- Kojonup Rotary Club
- Kojonup Aboriginal Community
- Kojonup Historical Society
- Kojonup Lions Club
- Shire of Kojonup - Elected Member and CEO or authorised delegate

COMMENT

“The Springs” as stated in the Agreement has special spiritual and cultural significance to both Aboriginal and non-Aboriginal people of the district of Kojonup. Visual inspection of the area excluding the Barrack’s and Old Post Office indicates that other than mowing there has not been any significant works undertaken in recent years.

Minutes of the Committee meeting held 19 August 1999 discussed ongoing maintenance and development of the area with KAC members – Jack Cox and Craig McVee expressing a strong view *“That the area should be left in its natural state, other than the planting of some shrubs around the wishing well and trees for shade.”* There was also mention that responsibility for the area reverts to the Shire of Kojonup, which was subsequently accepted by Council (minute reference C4/99).

We then move forward to May 2008 and the Management Committee listed the following items for review:

1. Appoint Secretary
2. Heritage List Gunyan (shelter)
3. Position of Agreement sign
4. Stone bridge – works, surface, railing
5. Access gradients – pedestrian/surface
6. Loton Close access – wishing well
7. Southern bridge – shire plant access
8. Dam spillway – repairs, flow

9. Stone table – broken
10. Improve cover over actual spring
11. Create terraced steps of main path to grassed area for pedestrians
12. Contour drains x 3 to reduce erosion
13. Survey pegs
14. Hospital storm water outfall
15. Re-route East path to bridge
16. Maintenance responsibility of B.B.Q facility
17. Spray out weeds to allow tree and native plant growth
18. Extend Thorn place Drainage
19. Maintain watercourse to Spring Street
20. Water management of dam
21. Disabled access

There is no mention in the Council Minutes for 2009 receiving the minutes of the Committee Meeting or any record of further meetings of the Committee being held.

Regardless, there is a need for Council to ensure the importance of the “KOJONUP SPRING” Agreement continues by recommitting to the Kojonup Aboriginal Community that together with the Shire of Kojonup we pledge to undertake the joint management of the “Spring” and the preservation of the spiritual, cultural and historical significance of the “Spring” and surrounding land dedicated as part of the Spring Area.

There is no specific mention in the agreement of the Rotary Club of Kojonup, Kojonup Lions Club or Kojonup Historical Society, although it is acknowledged that these groups contributed significantly to the 1988 Bicentenary Project which saw the creation rightly or wrongly of the bridge, dam, walkways, car park, B.B.Q area and shelter, however once the initial funding was acquitted Council assumed financial responsibility for future maintenance and asset management.

The actual “Spring” is vitally important to both Noongar and Wadjela alike as it is the reason Kojonup exists! **Sharing the area** is emphasised in the agreement, but there is no mention of how the area is to be developed or whether it should be developed. This “silence” may have been intentional to retain the integrity and values of this special place.

Are monuments, introduced lawns, rock work etc., really necessary to depict this “special” place? The Kojonup Aboriginal Community in 1999 clearly stated that “***the area should be left in its natural state, other than the planting of some shrubs around the wishing well and trees for shade.***”

If any future developments are contemplated such as interpretative panels, signage, seating, etc. would this not be more respectfully placed in Barrack Place or at the entrance of Thorn Place rather than specifically around the spring to retain authenticity of the area? Authenticity that is apparent at the Barracks, Elverd Cottage and the Old Post Office!

It is for this reason that Council and the Kojonup Aboriginal Community reconvene the joint management of the Kojonup “Spring” by way of a special committee comprising 3 members from the Kojonup Aboriginal Corporation and 3 selected members of the Shire of Kojonup with the CEO providing governance support.

In relation to the Barrack's and Old Post Office areas it is suggested that Council representation continue via elected member attendance at Kojonup Historical Society meetings with the opportunity for the Historical Society to meet full Council via Briefing Session as presently occurs.

CONSULTATION

Kojonup Historical Society – letter seeking reconvening of Springs Management Committee and attendance by President and Secretary at Briefing Session held 16 June 2015.

Craig McVee – KAC

SWALSC

Council Briefing Session – 6 October 2015

STATUTORY REQUIREMENTS

Local Government Act 1995 – Committees

Association Incorporations Act 1987

POLICY IMPLICATIONS

Nil – ideally once a clear plan is developed for the “Springs” actions for staged works (if any) will be reflected in a Council Policy to guide future decision making.

FINANCIAL IMPLICATIONS

Continuation of an annual budget allocation based on actual works to cover maintenance and asset management both present and into the future.

Where possible seek external funding by lodging quality applications.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023

Focus Area 1.2: Feeling good about living in Kojonup

Corporate Business Plan 2013 – 2017

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

Strategy 1.2.3 – Creating sustainable and inviting public places.

RISK MANAGEMENT IMPLICATIONS

Reputational Risk of Council may be damaged if sensitivities of each stakeholder not identified and explored however elected representatives must be strategic decision makers in accordance with Community Strategic Plan aspirations and integrated planning requirements.

ASSET MANAGEMENT IMPLICATIONS

Any capital improvements would be incorporated into Council's Asset Register.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION**That:**

- 1. Council and the Kojonup Aboriginal Community reconvene the joint management of the Kojonup “Spring” by way of a special committee comprising three (3) members from the Kojonup Aboriginal Corporation and three (3) elected members of the Shire of Kojonup with the Chief Executive Officer providing governance support.**
- 2. At least two (2) meetings be held each year with Council representation to be reviewed after each Local Government election cycle of two (2) years.**
- 3. In relation to the Barrack’s and Old Post Office areas; Council representation continue via elected member attendance at Kojonup Historical Society meetings with the opportunity for the Historical Society to meet full Council via Briefing Session as presently occurs.**

COUNCIL DECISION

/14 Moved Cr

, seconded Cr

CARRIED/LOST

/

KOJONUP

Spring

The community of Kojonup agreed at a public meeting in August 1998 as a gesture of good faith to work towards the preparation of a simple and appropriate agreement relating to the unique importance that the Kojonup "Spring" area means to both Aboriginal and non Aboriginal people.

The Spring area is all the land immediately adjacent to the Spring water outlet.

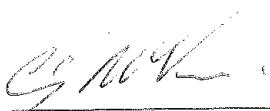
It is recognised that the area generally known as the Kojonup "Spring" has special spiritual and cultural significance to both Aboriginal and non Aboriginal people of the district of Kojonup.

It is acknowledged that the Aboriginal people shared the water of the "Spring" with the first white settlers and it is the wish of the present local Aboriginal people of today to continue sharing the area.

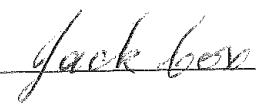
The Kojonup Aboriginal community and the Shire of Kojonup commit themselves to the joint management of the "Spring" and the preservation of the spiritual cultural and historical significance of the "Spring" and the surrounding land.

This agreement was signed on the eighteenth day of September 1999.

The Common Seal of the Kojonup Aboriginal Corporation was hereunto affixed in the presence of:

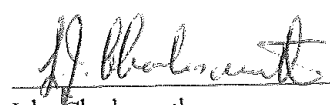


 Craig McVee
 Chairperson



 Jack Cox
 Vice Chairperson

The Common Seal of the Shire of Kojonup was hereunto affixed in the presence of:



 John Charlesworth



 Wally Lenyszyn
 Chief Executive Officer

17 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

18 NEW BUSINESS

Nil

19 CONFIDENTIAL REPORTS**19.1 REQUEST FOR TENDER 04/15 FOR THE CONSTRUCTION OF SIX INDEPENDENT LIVING UNITS, LOTON CLOSE**

The Independent Living Units (ILU) are to be constructed on Loton Close. Tenders have been called for the development and construction of the ILU's and Tender Submissions closed on Tuesday, 13 October 2015.

OFFICER RECOMMENDATION

That Item 19.1 Request for Tender 04/15 for the Construction of Six (6) Independent Living Units, Loton Close be discussed.

COUNCIL DECISION

/15 Moved Cr , seconded Cr

CARRIED/LOST /

AUTHOR: Michelle Dennis – Development Services Coordinator
DATE: Monday, 19 October 2015
FILE NO: CP.DAC.1
ATTACHMENT: [Item 19.1 Confidential Report](#)

DECLARATION OF INTEREST

Nil

SUMMARY

To seek Council's consideration of tenders received for the construction of six (6) Independent Living Units (ILUs) at Loton Close.

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 *Section 5.23 (2) of the Local Government Act 1995* to discuss:

- (c) **A contract entered into, or which may be entered into, by the Local Government which relates to a matter to be discussed at the meeting.**

COUNCIL DECISION

/15 Moved Cr , seconded Cr

CARRIED/LOST /

OFFICER RECOMMENDATION

That the meeting be reopened to the public.

COUNCIL DECISION

/15 Moved Cr , seconded Cr

CARRIED/LOST /

20 NEXT MEETING

Tuesday, 17 November 2015 commencing at 3:00pm.

21 CLOSURE

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

22 ATTACHMENTS (SEPARATE)

- Item 10.2 Monthly Statement of Financial Activity
- Item 10.3 Monthly Payment Listing 01/08/2015 – 31/08/2015
- Item 10.4.1 Proposed Shire of Kojonup Property Local Law
- Item 10.4.2 Existing Shire of Kojonup Property Local Law
- Item 13.2 Updated Community Strategic Plan
- Item 13.3 Updated Corporate Business Plan 2013 - 2017
- Item 13.4.2 Updated Workforce Plan 2014 – 2018
- Item 13.5 WALGA Discussion Paper (Stock on Roads June 2010)
- Item 13.7.2 Technical Report Denny Road to Farrar Siding September 2015
- Item 13.9 Policy Options to increase Elected Member Training Participation – WALGA Discussion Paper
- Item 13.10 Metropolitan Local Government Reform – Lessons Learnt – WALGA Discussion Paper
- Item 16.1 Kojonup Bush Fire Advisory Committee Minutes – 5 October 2015