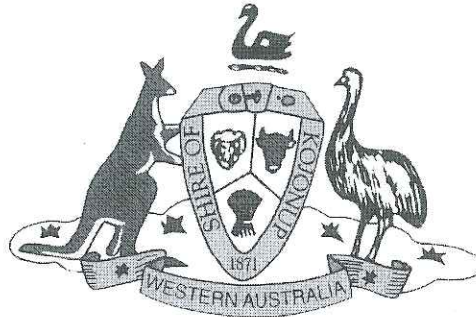


SHIRE OF KOJONUP



Council Agenda

21st April 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 Tuesday 21st April 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 dotted line.

RICK MITCHELL-COLLINS
CHIEF EXECUTIVE OFFICER

16 April 2015

SHIRE OF KOJONUP**AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 21st April 2015****TABLE OF CONTENTS**

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A G E N D A

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

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

Disclaimer

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

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

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

2 **ATTENDANCE & APOLOGIES**

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

Mr Rick Mitchell-Collins	Chief Executive Officer
Mr Anthony Middleton	Manager of Corporate Services
Mr Mort Wignall	Manager of Regulatory & Community Services
Mr Craig McVee	Manager of Works & Services
Mrs Susan Northover	Manager of Aged Care Services
Ms Zahra Shirazee	Manager – The Kodja Place Precinct
Mrs Michelle Dennis	Development Services Coordinator
Miss Dominique Hodge	Personal Assistant to the CEO
Ms Heather Sheppard	Senior Project Officer

APOLOGIES

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 17th March 2015

COUNCIL DECISION

/15 Moved Cr _____, seconded Cr _____ that the Minutes of the Ordinary Meeting of Council held on 17th March 2015 be confirmed as a true record.

CARRIED/LOST /

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

9 DECLARATIONS OF INTEREST

10 CORPORATE SERVICES REPORTS

10.1 FINANCIAL MANAGEMENT REVIEW

AUTHOR: Anthony Middleton – Manager Corporate Services
DATE: Wednesday, 1 April 2015
FILE NO: FM.FNR.2
ATTACHMENT: 10.1 Financial Management Review – November/December 2014

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider the contents of review undertaken by UHY Haines Norton Chartered Accountants on the financial management systems and processes of the Shire of Kojonup, dated November/December 2014.

BACKGROUND

The *Local Government Act 1995* requires the Chief Executive Officer to review the financial systems and procedures at least every four financial years. This review was considerably overdue and therefore UHY Haines Norton were engaged to undertake a thorough and comprehensive review. The timing of this review was especially appropriate when considering recent senior staff changes and the focus on improving our systems and processes.

The Audit Committee met with representatives of UHY Haines Norton whilst the review was being undertaken and have also subsequently considered the attached report. The Audit Committee resolved, at its meeting held 16 March 2015, as follows:

‘..that the report from UHY Haines Norton Chartered Accountants on the financial management systems and processes of the Shire of Kojonup, dated November/December 2014:

- 1. Be received;**
- 2. Be recommended to the Council for adoption; and**
- 3. The matters raised within the report be added to the Committee Status Report.’**

COMMENT

A copy of the report is attached.

As outlined in the decision above, the Audit Committee propose to address each issue at future audit committee meetings. Each point raised will be included in the Committee Status Report to ensure a systematic and updated progress report on each item is presented to the Committee. Minutes of the Committee are viewed by the Council and therefore both groups will be kept fully up-to-date with the progress of addressing the issues raised.

The CEO in conjunction with the Manager of Corporate Services will identify any significant barriers, resources required or concerns raised by Corporate Services staff and provide a separate report to Council and the Audit Committee.

CONSULTATION

Audit Committee and Corporate Services staff.

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulation 5(2)(c) requires the Chief Executive Officer to:

‘undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.’

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

This item reports on the financial systems and procedures in place within the organisation, to ensure good governance and accountability. The recommendation does not in itself have a financial implication.

STRATEGIC/CORPORATE IMPLICATIONS

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

Corporate Business Plan 2013-17

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

Strategy 1.1.4 Maintain robust systems and controls

RISK MANAGEMENT IMPLICATIONS

This item is a major control mechanism in managing the financial and procedural risks inherent in the daily running of any local government, by ensuring sound procedures and systems are in place.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council, in accordance with *Local Government (Financial Management) Regulation 5(2)(c)*:

- 1. receive the report from UHY Haines Norton Chartered Accountants on the financial management systems and processes of the Shire of Kojonup, dated November/December 2014; and**
- 2. direct the CEO and Audit Committee to review the processes, methods, procedures and systems to remedy the medium to high risk areas contained within the UHY Haines Norton report.**

COUNCIL DECISION

/15 Moved , seconded

CARRIED/LOST

/

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Brodie Potter – Finance Officer
DATE: Monday, 13 April 2015
FILE NO: FM.AUT.1
ATTACHMENT: 10.2 Monthly Payment Listing 01/03/2015 – 31/03/2015

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments covering the period 1st March 2015 – 31st March 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 2.5 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 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 1/03/2015 to 31/03/2015 comprising of Municipal Cheques 13348 - 13363, EFT's 13650 to 13781 and Direct Debits 20315 – 310315 totalling \$657,610.58 and as attached to this agenda, be received.

COUNCIL DECISION

/15 Moved Cr

, seconded Cr

CARRIED/LOST

/

10.3 BUSINESS CONTINUITY PLAN

AUTHOR: Heather Sheppard – Senior Project Officer
 DATE: Sunday, 12 April 2015
 FILE NO: CM.PLN.1
 ATTACHMENTS: [10.3.1 Business Continuity Management Policy](#)
[10.3.2 Business Continuity and Disaster Recovery Plan March 2015](#)

DECLARATION OF INTEREST

Nil

SUMMARY

S17 of the *Local Government (Audit) Regulations 1996* requires:

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to –*
 - a. *Risk management; and*
 - b. *Internal control; and*
 - c. *Legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
- (3) *The CEO is to report to the audit committee the results of that review.*

BACKGROUND

Recent changes to the *Local Government Audit Regulations (1996)* require local government CEO's to carry out at least a biennial review of legislative compliance, internal control and risk management and present the results of the review to Council's audit committee. The audit committee is to consider the CEO's review and report the results of the review to Council.

While the actual review process to be undertaken by the CEO is not stipulated, some of the matters that would typically be reviewed when considering risk management, internal control and legislative compliance include:

- Reviewing whether the local government has an effective risk management system and that material operating risks to the local government are appropriately considered;
- Reviewing whether the local government has a current and effective business continuity plan (including disaster recovery) which is tested from time to time;
- Assessing the internal processes for determining and managing material operating risks in accordance with the local government's identified tolerance for risk;
- Ascertaining whether fraud risks have been identified, analysed, evaluated, and that there is an appropriate treatment plan which has been implemented and monitored;
- Ensuring the internal controls and financial management systems are in place to mitigate any financial and reputational risk in line with the WA Local Government Accounting Manual; and
- Ensure compliance with the *Local Government Act 1995* and *Regulations*.

The Business Continuity Plan and Policy was presented to the Audit Committee on 3 February 2015 with the following recommendations:

The Committee went through the plan and made the following comments:

- *Change "flood" reference to "flood/storm".*
- *In the case of theft, add advice to secure area and not touch anything until police arrive.*
- *Springhaven Lodge residents' who are not high care could be returned to families.*
- *Do adjoining care facilities have the capacity to house Springhaven Lodge residents?*
- *Check contents insurance amount (adequacy) for Springhaven Lodge.*
- *Back-up "tapes"??*
- *Some typographical errors need correcting.*

- **Risk Area – Personnel – Sudden Loss.....Add VROC assistance to Actions.**
- **Add this plan to every mobile device (Docs on Tap).**
- **Page 17 Person Responsible. “I believe” – who and contact details need entering.**

AUDIT COMMITTEE DECISION

A42/15 Moved Cr Trethowan, seconded Cr Benn that the Manager of Corporate Services is to update the plan and bring back to the Committee based on above feedback.

CARRIED

4/0

The Business Continuity Plan and Policy was again presented to the Audit Committee on 16 March 2015 with the following recommendations:

AUDIT COMMITTEE DECISION

A46/15 Moved Cr Trethowan, seconded Cr Pedler that the Audit Committee receive the Business Continuity Management Policy and the Business Continuity and Disaster Recovery Plan December 2014 including the following changes:

- **Typo changes made page 9, 12, 13 & 17,**
- **Contents Insurance Springhaven Lodge,**
- **Include on Docs-on-Tap,**
- **Springhaven Lodge register of relatives to be updated and available 6 monthly, before endorsing accordingly prior to being adopted by Council.**

CARRIED

4/0

The above amendments have now been completed.

COMMENT

Refer Background.

CONSULTATION

Manager Corporate Services

Audit Committee

STATUTORY REQUIREMENTS

Local Government Audit Regulations (1996)

POLICY IMPLICATIONS

This policy if adopted by Council will be added to the Council Policy Manual.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC/CORPORATE IMPLICATIONS

Corporate Business Plan 2013-2017

1.1: Being Well Governed

1.1.4.1: Implement organisation wide risk management

RISK MANAGEMENT IMPLICATIONS

Compliance with S17 of the *Local Government Audit Regulations (1996)*.

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council adopt:

- 1. the Business Continuity Management Policy; and**
- 2. the Business Continuity and Disaster Recovery Plan March 2015.**

COUNCIL DECISION

/15

Moved Cr

, seconded Cr

CARRIED/LOST

/

10.4 LOT 9999 THORNBURY CLOSE, KOJONUP – LEASE

AUTHOR: Heather Sheppard – Senior Project Officer
DATE: Thursday, 19 March 2015
FILE NO: CP.LEA.1
ATTACHMENT: 10.4 Map

DECLARATION OF INTEREST

Nil

SUMMARY

Officers sought approval to lease for one year the industrial estate land at Thornbury Close Kojonup and part of Certificate of Title Volume 2670 Folio 367, Lot 9999 being remainder of Lot 9 after subdivision excluding the area of land in fenced off area in the south east corner.

At the February Council meeting the Officer Recommendation was:

OFFICER RECOMMENDATION

1. That Council accept the tender offer from Kojonup Cricket Club to lease Lot 9999 Thornbury Close, Kojonup at \$1,200 plus GST per annum for the period 1st April 2015 to 31st March 2016.

OR

2. That Council accept the tender offer from Gary Cavanagh to lease Lot 9999 Thornbury Close, Kojonup at \$1,500 plus GST per annum for the period 1st April 2015 to 31st March 2016.

The Council decision was:

COUNCIL DECISION

7/15 Moved Cr Sexton, seconded Cr Radford that the officer recommendation not be accepted, that neither tender be accepted.

CARRIED 8/0

REASON FOR CHANGE: The tender consideration was not considered adequate and the industrial area development to be reassessed by Council.

BACKGROUND

The Shire have previously leased the land at Lot 9999 Thornbury Close, Kojonup to Gary Cavanagh for farming purposes and more particularly for the purposes of grazing sheep which was outside the provisions of *S3.58 of the Local Government Act*.

After a review of all the leases, contracts and agreements, it was determined that in future this land should be advertised for tender *under S3.58 of the Local Government Act*.

Council approved advertising by way of public tender the land at Lot 9999 Thornbury Close which appeared in the Great Southern Herald on 11th December 2014 with tenders closing on 8th January 2015.

COMMENT

Gary Cavanagh on behalf of the Kojonup Cricket Club and himself rang to discuss the Council decision and has requested that Council further consider the tender for lease of the property at Lot 9999 Thornbury Close on the same terms and conditions for the following reasons:

1. Mr Cavanagh has erected fencing for the grazing of sheep on the property and whilst he has had sheep grazing the land for some time, he has never paid for the use thereof.
2. The grazing of the land by the sheep reduces the fire hazard of the land.

3. Understands that the lease will be for 1 year only with no guarantee that he will have the ability to continue to lease the land in the future.
4. The tender price offered is on the basis of the same price per hectare as that of the Kojonup Football club tender offer for 162 Blackwood Road.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Section 3.58 – Local Government Act (1995) (as amended) states that Council can only dispose of property (which encompasses leases) by the highest bidder at public auction or by public tender where in the opinion of the local government is the most acceptable tender, whether or not it is the highest tender.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Council has not previously received an annual payment for the lease of the land.

STRATEGIC/CORPORATE IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Potential fire hazard if land is left ungrazed.

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council rescinds decision 7/15 from 17th February 2015 and accepts the tender from Mr Cavanagh for \$1,500 per annum for a one year lease on the following conditions:

- 1. That the lease will be for the period 1st April 2015 to 31st March 2016.**
- 2. That the lease may not be renewed after 31 March 2016.**
- 3. That Council will proceed to assess the future use of the land for possible industrial area development.**
- 4. That the current use of the land provides a reduction in risk as to potential fire hazards.**

COUNCIL DECISION

/15 Moved Cr

, seconded Cr

CARRIED/LOST

/



11 WORKS & SERVICES REPORTS

Nil

12 COMMUNITY & REGULATORY SERVICES REPORTS**12.1 PROPOSED OUTBUILDING ON LOT 2 (No. 5) FORSYTHE ROAD, KOJONUP.**

AUTHOR: Phil Shephard – Town Planner
DATE: Thursday, 12 March 2015
FILE NO: DB.BDA.8 & A6486
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider a proposal to construct a new 8m x 12m (96m²) outbuilding on the above property. The property is vacant and no delegated authority is available to officers to approve under Policy No. 9 'Sheds on Residential and Special Rural Zoned Land' and the application must be presented to Council for a decision.

The recommendation is to approve the proposal with conditions.

BACKGROUND

Nil.

COMMENT

The proposal is to construct a new 8m x 12m gable roof outbuilding (wall height of 4.5m and ridge height of 5.3m) on the above lot as shown below. The proposed site of the outbuilding will require 3-5 small redgum trees to be cleared. The outbuilding will be used to store personal effects and vehicles including a caravan.



Proposed site of outbuilding (image from Google Earth)

The land is zoned Residential under the Shire of Kojonup Town Planning Scheme No. 3 (TPS3) and staff are delegated under Policy No. 9 to approve a maximum floor area of 65m². All applications for outbuildings greater than 65m² and those to be constructed on vacant sites are required to be presented to Council for determination.

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

- 1) Defer the proposal and seek additional advice from the applicants if deemed necessary; or
- 2) Refuse to support the proposal giving reasons and advise the applicants accordingly; or
- 3) Support the proposal and grant approval to the proposal.

Whilst the outbuilding will be larger than the adopted TPS Policy No. 9 requirement of 65m² and is to be constructed on a vacant lot, given that:

- No objections to the proposal have been received from any adjoining landowner;
- The proponents reside permanently on the adjoining lot;
- The siting of the outbuilding is to the rear of the lot and will not restrict a house being developed on the lot in the future;
- The purpose of the extension is to store personal effects, vehicles etc.;
- The proposed setbacks to adjoining boundaries exceed the minimum setbacks permitted in the zone; and
- The lot is 1,786m² in area and much larger than the standard Residential R20 sized lot of 500m² expected in this zone.

Staff recommend option 3) be adopted.

CONSULTATION

Adjoining landowners were provided with a copy of the site plan and invited to comment on the proposal for a period of 21-days. At the close of the submission period, no submissions were received.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

Council has an adopted Town Planning Scheme Policy No. 9 ‘Sheds on Residential and Special Rural Zoned Land’ under TPS3.

The Policy states:

Sheds not be permitted on ‘Residential’ or ‘Special Rural’ zoned blocks in the Shire of Kojonup unless a habitable residence is (or is to be) constructed on that block.

If there is no habitable residence on the block that a person wishes to erect a shed upon, then house plans must be submitted with the shed plans, and the house construction must be commenced within 12 months and completed within 2 months of the building permit being issued.

The shed floor area for residential land is to be no larger than 65m².

The Environmental Health/Building Officer be authorised to approve plans for Special Rural zoned land for sheds with an area up to 65 square meters. Applications for sheds of a larger size must be submitted to the Council.

The owner is to remove the shed (at his own expense) if the above conditions are not met.”

In considering the weight to place on the adopted Policy, c.7.6.4 of the TPS3 states that the Policies 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 prescribed planning/building fees in accordance with the Shire's adopted 2014/2015 Schedule of Fees/Charges.

Should the applicant challenge the decision through an appeal to the State Administrative Tribunal, there would be costs in defending the appeal.

STRATEGIC/CORPORATE IMPLICATIONS

The item does not affect the Strategic or Corporate Plans.

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
Outbuilding not approved by Council	Rare	Minor	Low	Managed by routine procedures, unlikely to need specific application of resources.

ASSET MANAGEMENT IMPLICATIONS

The item does not affect the Asset Management Plan.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council grant planning consent for the proposed 8m x 12m (96m²) outbuilding on Lot 2 Forsythe Road, Kojonup subject to the following conditions:

- 1) **The outbuilding to be sited on the property in accordance with the approved plans.**
- 2) **The outbuilding is to be used for storage purposes only.**

COUNCIL DECISION

/15 Moved Cr

, seconded Cr

CARRIED/LOST

/

13 EXECUTIVE & GOVERNANCE REPORTS**13.1 RE-ACCREDITATION OF SPRINGHAVEN FRAIL AGED LODGE**

AUTHOR: Susan Northover – Manager Aged Care Services
DATE: Thursday, 2 April 2015
FILE NO: CS.SVP.10
ATTACHMENT: 13.1 Decision to Re-accredit

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to advise Council of the outcome of the reaccreditation audit completed at Springhaven Frail Aged Lodge on 10-11 February 2015.

BACKGROUND

Under the *Aged Care Act 1997* it is a requirement that all residential aged care facilities are audited by the Australian Aged Care Quality Agency every three years to monitor their compliance with the four accreditation standards and forty four expected outcomes related to quality care.

As the facility had failed three of the expected outcomes at reaccreditation in 2012 management and staff spent the last twelve months before reaccreditation focusing on reviewing policies, increasing staff education and monitoring performance and compliance within the facility.

COMMENT

The Shire of Kojonup and Springhaven Frail Aged Lodge received official notification from the Australian Aged Care Quality Agency of the decision to reaccredit the facility from 1 May 2015 till 1 May 2018.

CONSULTATION

Aged Care Quality Agency, Springhaven staff, residents, families, the Senior Management Team and Council.

STATUTORY REQUIREMENTS

Compliance with Accreditation Standards
Aged Care Act 1997 (54.2)
Australian Aged Care Quality Act 2013
Quality Agency Reporting Principles 2013 (96.1)

POLICY IMPLICATIONS

Some recommendations were made at reaccreditation and all Springhaven Policies related to the recommendations will be reviewed by management. An action plan related to these recommendations is now in place.

FINANCIAL IMPLICATIONS

Financial implications from this report will be included in the 2015/2016 budget including the recommendation to provide additional night staff.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013-2013
Focus Area 1.6 Being Healthy

Corporate Business Plan 2013-2017

Strategy 1.6.1 – Ensure and promote adequate health services are available in Kojonup.

RISK MANAGEMENT IMPLICATIONS

No sanctions have been placed on the facility as we have achieved all forty four expected outcomes.

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

- 1. receives the determination of the Aged Care Quality Agency that Springhaven Frail Aged Lodge be reaccredited until 1 May 2018.**
- 2. consider as part of its 2015/2016 budget deliberations additional night staff.**

COUNCIL DECISION

/15 Moved Cr

, seconded Cr

CARRIED/LOST

/



Australian Government
Australian Aged Care Quality Agency

Re-accreditation Audit
Springhaven Frail Aged Hostel RACS ID: 7080
Approved Provider: Shire of Kojonup

Re-accreditation Decision - made under the Quality Agency Principles 2013.	
Decision made on	17 March 2015
Decision made by	Colin Prebble Accreditation Decision Maker Authorised under the Quality Agency Principles 2013 to make the decision
Decision	To re-accredit
Period of accreditation	01 May 2015 to 01 May 2018
Number of expected outcomes met	44 out of 44
Next application due	07 November 2017

Assessment contact arrangements
The home will have at least one unannounced assessment contact every year.

Notification to Department of Social Services
Under the Quality Agency Reporting Principles 2013, we must tell the Secretary of the Department of Social Services about this decision.

Process undertaken and information considered
In making my decision, I considered the home's performance against the Accreditation Standards, its performance history as well as whether the approved provider will undertake continuous improvement.
I took into account the following information:
<ul style="list-style-type: none"> a. Audit report for a re-accreditation audit conducted 10 February 2015 to 11 February 2015. b. Audit assessment information for a re-accreditation audit conducted 10 February 2015 to 11 February 2015. c. Information received from the Secretary of the Department of Social Services dated 8 July 2014. d. Assessment contact reports for assessment contacts conducted on 8 May 2012, 29 May 2012, 26 September 2012, 9 April 2013, 2 October 2013, 23 January 2014, 28 May 2014, 18 December 2014. e. Re-accreditation decision dated 3 April 2012. f. The home's performance against the Accreditation Standards since 2009.

Reasons for decision**Summary**

I have decided to re-accredit the home for three years as the home meets the Accreditation Standards and the home has satisfied me that it will undertake improvement.

Performance against the Accreditation Standards and compliance with other responsibilities under the Act

I find the home meets 44 expected outcomes.

I note that the assessment team has documented additional information in expected outcomes:

2.7 Medication management

2.8 Pain management

2.9 Palliative care

2.12 Continence management

2.16 Sensory loss

4.8 Catering, cleaning and laundry services.

The home should consider including the issues raised in its plan for continuous improvement.

Continuous improvement

I am satisfied the home will undertake continuous improvement based on the information in the audit assessment information about 1.1, 2.1, 3.1 and 4.1 Continuous improvement.



Colin Prebble
Accreditation Decision Maker

13.2 MEDICAL CENTRE

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Monday, 13 April 2015
FILE NO: PH.SVP.1
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

To present to Council information gained from the Long Term Financial Planning (LTFP) Workshop conducted by UHY Haines Norton on 17 March 2015 and subsequent workshop conducted by the CEO on 7 April 2015 which specifically addressed **Decision 21/15:**

“That Council receives the Chief Executive Officers Report and undertake the following actions:-

- 1. Council Decision 93/14 be rescinded given the departure of Dr King and purchase of the practice by St Luke’s Family Practice.**
- 2. Conduct a workshop with UHY Haines Norton on Tuesday 17th March 2015 to discuss Long Term Financial Planning implications regarding existing and future capital works and possible effects on rating levels, loan borrowing, operational efficiencies etc. using the following three scenarios:**
 - a) the extension/renovation of 34 Katanning Road, Kojonup taking into consideration the indicative layout plan and identified room/space provisions from the Health Facility Needs Assessment prepared by Hames Sharley,**
 - b) a new Medical Centre at Spring Street, Kojonup,**
 - c) explore the possibility of renovating the Kojonup Co-op Building to accommodate a new Medical Centre, as well as other tenants mentioned in the CEO’s report, or**
 - d) any potential sites and scenarios that Council sees fit.**
- 3. Council officers endeavour to leverage \$ for \$ grant funding from Mr George Church’s bequest from State and Federal sources including LotteryWest, Great Southern Development Commission (GSDC), Regional Development Australia (RDA) Great Southern, Southern Inland Health Initiative, Rural Infrastructure Fund and National Stronger Regions Fund (NSRF).**
- 4. Council reconsider this matter at the Ordinary Council Meeting to be held on Tuesday 21st April 2015.”**

BACKGROUND

There is a growing expectation in the community that with the departure of Dr King and the need to leverage grant funds from Mr Church’s bequest that Council needs to proceed with the construction of a new Medical Centre.

Such an expectation is understandable, however the Health Facility Needs Assessment (HFNA) independently undertaken by consultants – Hames Sharley stipulates the building footprint required to meet future population base and GP/allied health needs for Kojonup is approximately 340m² based on 2 GP’s and 2 consulting rooms for Allied Health providers.

The assessment report also recognises that Council is not a provider of Health Services but more a facilitator of Health Services through the provision of a building as a landlord. Council has attempted to make informed decisions taking into consideration the following matters:-

- “Whole of Life” costs of a new facility and impact on Long Term Financial Plan in comparison to renovations/extensions to existing buildings,

- Governance issues regarding compliance with Accreditation/Risk Management, reporting requirements with Government Agencies etc., management structure, level and number of service agreements,
- Status of Southern Inland Health Initiative (SIHI),
- Asset Management/Replacement/Rationalisation/Consolidation considerations for existing built infrastructure by Council,
- State Budget implications/opportunities,
- Agreement implications (if any) between State Health and Medical Practitioners/Allied Health providers,
- How effective existing GP services are given that until March 2015 two facilities operated in Kojonup,
- Succession Planning intended by Dr King, and
- What will health provision be like in 5, 10, 20, 40 years.

The purchase of Dr King's practice by St Luke's Family Practice was not envisaged when Council made Decision 93/14 in June 2014 as discussions with both GP's up to this time was considered a remote chance at the very least hence the decision to increase the existing Bagg Street Building footprint to achieve between the two GP facilities, a 340m² footprint as recommended by the HFNA. How quickly things change!

The purchase of Dr King's practice by St Luke's Family Practice also diminishes Council's ability to access ever reducing external funds as the "NEED" that existed when Dr King was the only GP has been addressed by 3 GP's being accommodated at 34 Katanning Road in a "Fit for Purpose" facility.

The Kojonup Hospital as a result of recent discussions with WA Country Health Service also has space available for visiting consultants/professionals further reducing the building footprint required.

COMMENT

Population growth

The Great Southern Regional Economic Development 2013-2023 discussion paper released in July 2013 forecasts population growth within the Great Southern Region to steadily increase to a population of 68,700 by 2023 and potentially 90,000 by 2050 however the vast majority of growth will be in the coastal areas with a slight population decline in some rural areas. Katanning envisages a small population increase due to its "Super Town" status and mining opportunities which to this writer appears remote given the present economic indicators.

It would not be unreasonable to expect Kojonup's population growth to be minimal over the next 10 - 20 years but still within a total population range of 2,000 – 2,400 dependent upon a number of factors such as economic activity, housing affordability/subdivision development, lifestyle, facility provision, health, education and communication services.

Based on the Health Facility Needs Assessment (HFNA) demand for GP services would remain around 4,000 visits per annum per 1,000 population or approximately 30 - 37 patients per day for a 5 day week or 15 - 18 patients per day per for each GP service for the above population growth forecasts.

Ageing Population

Kojonup's median age of 41 is above the state average of 37 according to ABS 2011 Census Data and is indicative of the "Baby Boomers" reaching retirement age over the next 10 years and as stated in the HFNA as the population ages so too will GP visits however the frequency of visits will need to be quantified over time.

Hospital Services

The HFNA recognises that any arrangement between GP's and the Kojonup and Katanning Hospitals is a contractual matter specifically between the respective parties. The main community priority should focus on a GP being available when needed – which is presently the case.

Whether community members have a particular preference on which hospital they wish to be treated is not a matter for Council as Health is a State Government responsibility and therefore contractual arrangements are "In Confidence." The main health/medical focus is ensuring that there is appropriate medical services/treatment available for the community depending on the nature and severity of attention required.

The Southern Inland Health Initiative recognises this community requirement with facilities such as the Kojonup, Katanning and Albany Hospitals being able to cater for differing levels of treatment.

Council also needs to be aware that any form of subsidy (precedent) to existing GP's utilising ratepayer funds may be expected to be reciprocated should a new provider contemplate establishing in Kojonup.

GP Services

Prior to the 2012/2013 financial year Dr King provided the only resident GP Services for Kojonup. The community became anxious that if something happened to Dr King it would leave Kojonup vulnerable to continuity in GP Services.

Council as part of its Risk Management Strategy recognised that the likelihood of Dr King being able to provide continuity in GP Services (as none of us are getting any younger) was unlikely and the risk extreme as non-achievement of major key objectives could be substantiated resulting in public embarrassment, high impact news profile and potentially community dis-engagement and disruptive action. An extreme risk rating necessitated some action at that time!

History now shows that St Luke's Family Practice has established itself at 34 Katanning Road with two resident Doctors, one of which being female providing community member's greater choice.

The term of the lease in accordance with Clause 3.1 states as follows:

"The term of this Lease shall be three (3) years commencing on the Commencement Date with options for a further two, three (3) year extensions. Notwithstanding that the lease agreement be terminated with immediate effect should a new purpose Medical Centre be built in Kojonup."

As part of Council's stakeholder engagement the Shire President prior to the 7 April 2015 workshop visited both Dr. Du Preez and Mr. George Church to ascertain their respective views.

Dr. Du Preez reiterated that the 34 Katanning Road facility adequately meets his requirements and that he would not derive any direct benefit from Council and the Community outlaying in excess of \$2M for a new building. When asked by the Shire President if as part of St Luke's Family Practice forward Business Planning would they be interested in ultimately purchasing 34 Katanning Road rather than renting Dr. Du Preez replied that anything is possible if the purchase price is realistic!

The CEO spoke with Dr. Du Preez following the 7 April 2015 workshop regarding the possibility of 30, 32 & 34 Katanning Road being subdivided from the Balance Title as one lot (due to sewer main ending at Murby Street) and either purchased outright by St Luke's Family Practice or via a Rental/Purchase Agreement over a 3 year period subject to meeting legislative requirements of the *Local Government Act 1995*. Dr. Du Preez categorically stated that he would be very interested in discussing this development option with Council.

Mr. Church after careful consideration reaffirmed his intent that the bequest be placed in trust specifically for a future Medical Centre.

Visiting Health Professionals

The HFNA makes provision within the indicative accommodation layout footprint for visiting health professionals as well as counselling and social services, however there are such professionals utilising rooms and offices to conduct physiotherapy etc. services within the town of Kojonup. Regardless of any new facility other GP's and Health Professionals still have a choice to establish offices, counselling rooms etc. in other private premises as Council's planning scheme quite rightly should not dictate "restraint of trade" provisions.

Built Infrastructure

An assessment report tabled 5 March 2015 listed the Pros and Cons of building a new Medical Centre with a building footprint of approximately 340m². This size building accommodates three GP's, two allied health professionals and up to four staff with an indicative construction cost ranging between \$3,000 - \$4,000 per m² to be compliant with General Practice design and access accreditation standards less landscaping, fit-out, infrastructure services and IT.

Council at the Workshop held 7 April 2015 wished to verify the indicative construction cost stated by the CEO. Council Officers were able to provide footprint plans to a quantity surveyor and also a registered Building Company who has extensive experience in Commercial and Industrial Developments including Medical Centre and associated facility provision within the Great Southern Region. The Development Services Coordinator also provided information on the major differences required when constructing a Class 1a (House) and a Type C construction: Class 4-6 or 9 (Commercial) such as:

- Fire resistance and safety;
- Access and egress;
- Health and amenity; and
- Fit Out.

The cost per m² from the Quantity Surveyor excluding "fit out" and "exclusions" was \$3,440 in comparison to the Building Company at \$3,250.

"Fit Out" provisions include but are not limited to:

- GP Rooms,
- Consulting Rooms,
- Patient Waiting Areas,
- Offices/Reception area,
- Children Play area,
- Patient distress area,
- IT/Computer monitors,
- Storage – Medical consumables v office,
- Furniture & Fittings ergonomics,
- Infection control,
- Auditory Privacy,
- Display notice board,
- Signage,
- Lighting,
- Heating/Cooling to maintain comfortable ambient temperature,
- Non slip floors, and
- No sharp edges.

Council were advised that it is not an unreasonable expectation for "Fit Out" to be in the vicinity of \$500,000+ for a Greenfield site.

Reference: General Practice Design and Access – Version 1 – August 2014

Exclusions include provision for the supply or extension of:

- Sewer,

- Stormwater,
- Fire Hydrants or on-site storage tanks,
- Telstra/NBN,
- Traffic Management including crossovers/kerbing,
- Power and backup generator,
- Landscaping,
- Street Lighting, and
- Safety/directional signage.

Depending on the “head works” costs associated in providing, upgrading or extending infrastructure at least another \$500,000 could be required to cover these essential services.

Based on the qualified advice the following options were costed on a 300m² building footprint including “Fit Out” and Exclusions:-

	Bagg Street Refurbish & Extend	Spring Street Greenfield Site	34 Katanning Road (Status Quo)
Building Costs	\$1,032,000	\$1,032,000	
Fit Out	\$ 350,000 +/-	\$ 500,000 +/-	
Exclusions	\$ 400,000 +/-	\$ 500,000 +/-	\$8,000 + - (Car Parking)
TOTAL	\$1,782,000 +/-	\$2,032,000 +/-	\$8,000 + -

The Bagg Street refurbishment and extension excludes provision for a public toilet which was originally considered in the HFNA Report undertaken by Hames Sharley.

Long Term Financial Planning (LTFP) Implications

UHY Haines Norton factored into the 17 March 2015 workshop an average inflation rate of 3% over the next 15 years and projects identified by Council such as:

- Main Street enhancement – Staged approach,
- Sports Precinct – Staged approach,
- Staff Housing,
- Independent Living Units,
- Water Harvesting/Reuse – Staged approach,
- Kodja Place Precinct improvements – Staged approach,
- Medical Centre, and
- Springhaven – Wet areas improvements.

These works when included in the LTFP calculations necessitate a minimum annual rate increase of 5% as well as securing \$2 million in borrowings.

No provision has been made in the LTFP for the following considerations:

- Works Depot redevelopment \$400,000;
- Industrial Land Development – Final Stage \$1M (but potentially income producing);
- Residential Land Development (John Street and Soldiers Road) \$1M (but potentially income producing);
- Tourism Precinct trail - \$250,000;
- Non-potable water infrastructure and South dam - \$300,000;
- Showground’s and surrounds (Farrar Reserve) redevelopment \$100,000;
- Stormwater Drainage – Quin Quin Reserve Redevelopment \$150,000;
- Civic Precinct Enhancement \$1M;
- Telecommunication Tower Replacement \$150,000; and
- Saleyards.

If Council does not borrow \$2 million the net effect to the LTFP is \$140,000 annual savings for years 1- 10 thereby reducing pressure on Council to automatically increase Rates a minimum of 5% per annum.

With respect to the options identified in decision 21/15 the following additional information is provided:

Bagg Street Clinic

This building for a number of decades, has been the premises for Kojonup GP's with the past 20 years the sole use of Dr King.

The need for expending approximately \$1.8 Million renovating/redeveloping this site specifically for a new Medical Centre cannot be justified given the impacts on Council's Long Term Financial Plan and the existence of 34 Katanning Road.

34 Katanning Road

The Lot has been converted from a house to a fit for purpose Medical Centre for use by St Luke's Family Practice. Three GP's use the facility and despite minor improvements to parking the facility has the capability to be expanded, if required in the future to meet the 300m² Medical Centre footprint.

Kojonup Co-Op

Council as a result of the 7 April 2015 workshop agreed not to pursue this option.

Spring Street (Walkers Block)

Provides a Greenfield site for a new Medical Centre utilising the existing car park East of the Leschenaultia Wing of the Kojonup Hospital. It provides the closest link to the Hospital and Springhaven however the need to expend approximately \$2 Million on a new purpose built facility on a Greenfield site cannot be justified given the impacts on Council's Long Term Financial Plan and the existence of 34 Katanning Road.

Summary

Council must consider all cost/benefits whether social or economic and their sustainability for the next 20 plus years. There is no guarantee that new private Medical Practitioners or Allied Health Professionals will not set up in opposition to St Luke's Family Practice but this is a matter for them to determine in developing a business case. An expectation that Council will accommodate all Medical and Health providers is unrealistic as this is a core function of the State and Commonwealth not the Shire of Kojonup!

Should a Greenfield site be chosen as the preferred option it must be understood that by the time plans, specifications, tenders called, building contractor appointed, infrastructure for water, sewer, stormwater, power etc. in place, fit out and of course additional funding secured; two years will have passed. Such is the pace of compliance and regulation!

An alternative option flagged by the CEO at the 7 April 2015 workshop and discussed with Dr. Du Preez was to amalgamate 30, 32, & 34 Katanning Road into one title so that it encompassed an existing house to accommodate a Doctor and family, allowed potential to improve off-street car parking to St Luke's Family Practice as well as potential to expand the existing Practice with access off the car park if required in the future.

The Purchase Price would be subject to independent valuation but a figure around \$600,000 does not seem unreasonable based on \$260,000 for 30 Katanning Road (House), \$290,000 for 34 Katanning Road (St Lukes Family Practice) and \$50,000 for 32 Katanning Road (Vacant lot/part car park).

The funds received could then be used by Council to extend the sewer main to Katanning Road and open up potential staged subdivision of John Street etc. in accordance with Council's adopted Guided Development Plan for Residential Development.

This option has the potential to generate economic development within Kojonup, provide new housing investment opportunities and ideally attract families thereby increasing school numbers, generate interest in sporting clubs and community groups as well as the associated economic flow-on to businesses without the need to borrow. Discussions with developers and investors indicate a common theme that impedes Kojonup's Residential Growth is access to fully serviced land! **The above option can address this impediment without any financial burden being imposed on ratepayers.**

CONSULTATION

Council Briefing Sessions and Workshops
Senior Management
Dr Anthony King
Dr Nicky Du Preez
Main Street Master Plan – Public Forums
Kojonup News
UHY Haines Norton
Hames Sharley
WA Country Health
Development Services Coordinator

STATUTORY REQUIREMENTS

Compliance with accreditation and standards applicable to General Practices/Medical Clinics.

POLICY IMPLICATIONS

Council does not possess a Policy regarding the extent of assistance to be provided for the securing of a GP within the Shire of Kojonup whether housing or clinic building. St Luke's Family Practice are in a fit for purpose building for their immediate needs and it is Council and the Community insisting on a new Medical Centre. There is also no policy regarding Councils financial philosophy in seeking loan funds should there be a funding shortfall from Council own funds and external grants.

FINANCIAL IMPLICATIONS

Council will need to secure additional funds ranging from \$900k - \$1.4M to build a new Medical Centre on a Greenfield site.

The Asset Management Plan (AMP) specifically states *“The most significant recurring theme for all local government organisations is the sustainability concerns related to financing the renewal gap. Ageing community infrastructure, cumulative infrastructure renewal backlog and changing community expectations for the assets being replaced contribute to an industry wide challenge.”*

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, rationalizing and consolidating assets that are no longer used or do not provide the agreed level of service.

In relation to the building of a new medical centre Council has to ensure that sufficient funds are set aside for whole of life costs including building renewal and operational over the effective life of the new asset which could be upwards of 50 years. In this case Council will be reliant on an annual rental and ratepayer funds to meet these requirements. Such considerations may be balanced by demonstrated community need however if St Luke's Family Practice is able to expand its existing premises the necessity to seek additional funds is not required.

Is it a realistic expectation if Council requires a minimum of \$40,000 per annum to be set aside for Asset Management to ultimately cover building maintenance/renewal for a new \$2M Building to expect \$800 per week in rental payments from the occupier?

If Council does not borrow \$2 million the net effect to the LTFP is annual savings of \$140,000 for years 1- 10 thereby reducing pressure on Council to automatically increase Rates a minimum of 5% per annum.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan Focus Area 1.6: Being Healthy

Corporate Business Plan Strategy 1.6.1 – Ensure and promote adequate health services are available in Kojonup.

The Shire is facilitating the delivery of health services, not providing them. Council is developing a Main Street Master Plan that attempts to reinvigorate the Main Street as well as enhance and consolidate amenity provision for residents and visitors as a place to enjoy and invest. Similar efforts are being undertaken in the development of the Sports Precinct Master Plan, however as highlighted under the Long Term Financial Planning Implications it is unrealistic and not strategically or financially prudent of Council to undertake a \$2 Million Medical Centre Development given the other priorities listed and presently unfunded.

RISK MANAGEMENT IMPLICATIONS

Minimizing risk exposure to Council and Community in relation to financial costs, Internal fit out, compliance, future planning and public risk through a licence or lease agreement that reflects:

- 1) Lay solid foundations for management and oversight,
- 2) Structure Agreements 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, and
- 8) Adapts to the ever changing Health /Medical environment.

ASSET MANAGEMENT IMPLICATIONS

Asset Management is the systematic process of effectively planning for, maintaining, upgrading and operating assets. The benefits to both the Council and the community of improved asset management are:

- Strong governance and accountability in the delivery of efficient and effective services;
- Sustainable infrastructure investment decisions through the appropriate consideration of all options and the recognition of life cycle costs;
- Improved understanding of customer requirements and the alignment of the performance of assets to the community expectations; and
- Effective risk management.

The Asset Management Plan in relation to Buildings lists a minimum estimated annual renewal expenditure target of 53% or in dollar terms \$580,000 per annum yet Council is presently only managing to allocate 16% or \$172,000. As a result Council has buildings that require roof/gutter replacements, have structural issues, remain vacant/underutilised/no longer “fit for purpose”, or not on separate title and therefore not capable of being sold to provide funds for new facilities.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION**That Council:**

- 1. Receive the Chief Executive Officers Report;**
- 2. Directs the CEO to undertake formal independent valuations of 30-34 Katanning Road;**
- 3. Upon the independent valuations being received enter into negotiations with St Luke's Family Practice regarding the purchase of 30 – 34 Katanning Road;**
- 4. Not progress development of a new Medical Centre or alterations to the Bagg Street Building given the financial impacts on the Long Term Financial Plan and extent of other projects listed for consideration aligned with the Community Strategic Plan; and**
- 5. Review Aged Care, Medical and Health Services and Infrastructure provision in the 2018/2019 Financial Year.**

COUNCIL DECISION

/15 Moved Cr , seconded Cr

CARRIED/LOST /

13.3 DEPARTMENT OF COMMERCE (CONSUMER PROTECTION) RE: KOJONUP LANDCARE INC.

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer

DATE: Tuesday, 14 April 2015

FILE NO: GS.PRG.7

ATTACHMENT: 13.3 Letter from the Department of Commerce – Consumer Protection

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to update Council on information requested by the Department of Commerce (Consumer Protection) in relation to approximately \$100,000 remaining in a BankWest Term Deposit and BankWest Cheque Account under the name of the Kojonup Land Conservation District Committee despite the Kojonup Landcare Inc. being cancelled by Consumer Protection on 20 February 2006 under section 35 of the *Associations Incorporation Act 1987*. BankWest in accordance with legislative requirements has released the Association's funds to the Commissioner for Consumer Protection as per attached correspondence.

BACKGROUND

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

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

COMMENT

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

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

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

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

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

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

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

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

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

The CEO advised that the Community Strategic Plan 2013-2023 specifically supported natural resource management (NRM) and it was important to develop a strategic approach that was not totally dependent on state and commonwealth funding as weeds, erosion, salinity, soil conditioning, invasive species etc. occurred regardless.

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

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

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

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

1. The funds are placed in a NRM Trust Account for use on Landcare/NRM projects only.
2. The NRM Trust Fund have a minimum balance of \$50,000 in order to have a cash component immediately available to leverage other grants towards agreed projects.
3. That Council endeavour to allocate a minimum of \$20,000 per annum towards NRM projects which are prioritized in accordance with the Annual Budget following consultation with NRM/Landcare Groups.
4. That \$20,000 be allocated from the NRM Trust Account specifically for Bridal Creeper eradication. An annual sum of \$2,000 for example could be incorporated into Councils weed spraying program over the next 10 years.
5. The managing of water resources in the Shire for the use of all citizens is ranked as a high priority in 2014/2015.
6. That Council establish a NRM Advisory Committee to advise Council on NRM matters and projects that should be promoted or pursued.
7. The NRM Advisory Committee to meet quarterly to develop strategy, provide advice and assess/develop key performance indicators for identified projects.
8. The Department of Commerce (Consumer Protection) be advised of the above actions and encouraged to release funds to the Shire of Kojonup to be held in Trust and used for the above purposes.

CONSULTATION

As outlined in comments.

STATUTORY REQUIREMENTS

Associations Incorporation Act 1987

Australian Government: Department of Agriculture and Department of the Environment

(Natural Resource Management – Caring for our Country)

(National Landcare Programme)

State NRM Office –State Sustainability Strategy 2003

POLICY IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

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

STRATEGIC/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

It is disappointing that an Incorporated Community Group which appears to have gone into recess has had funds released to the Commissioner of Consumer Protection without members fully recognizing the risks and consequences that result from the cancellation of incorporation.

The risk that now exists is to which similar association incorporated under the Act or charitable institution will be the beneficiary of the Kojonup Landcare Inc. efforts as determined by the Commissioner? Hence the need for Council and former members of Kojonup Landcare Inc. to submit their respective views via written submissions to the Commissioner no later than 30 April 2015.

ASSET MANAGEMENT IMPLICATIONS

There are presently no direct asset management implications to Council as the funds were expressly the responsibility of the former Kojonup Landcare Inc. Should the Commissioner agree to release the funds to the Shire of Kojonup for placement in a Trust Account, Council will need to be very prudent in the future application of these 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 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.**

COUNCIL DECISION

/15 Moved Cr , seconded Cr

CARRIED/LOST /



15 APR 2015

Government of **Western Australia**
Department of **Commerce**

Consumer Protection

Our Ref: A107192N, CP1389/2006

31 March 2015

Enquiries: Elizabeth Prouse

Mr Graham Blacklock
PO Box 233
KOJONUP WA 6395

ICR19352
SHIRE OF KOJONUP
G.S. PRG.7

CEO ✓	FC or HC	NFA	MCS	MICS
	SFO	WM	CDPO	FB
	TEAM	PLAN		

Dear Mr Blacklock,

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

I refer to our previous discussions and correspondence regarding the surplus property of Kojonup Landcare Inc (Cancelled). Please be advised that the bank has now released the Cancelled Association's remaining funds to the Commissioner for Consumer Protection who must now take steps to distribute the funds in accordance with the requirements of the *Associations Incorporation Act 1987* (the Act).

Under the Act a cancelled association's property may only be distributed to another association incorporated under the Act or for a charitable purpose. Where possible Consumer Protection try to distribute the property to beneficiaries operating in or around the same area as the cancelled association and often also takes the views of former members into consideration.

It has previously been suggested that the group Southern Dirt Incorporated may be a suitable beneficiary. You have also indicated that the former members of the Association are considering starting a new organisation.

To assist the Commissioner in forming a view regarding this matter I would like to invite the former members to make a written submission regarding the distribution of the Cancelled Association's funds. To ensure that the matter can be concluded in a timely manner it is requested that any submissions be provided by no later than **Thursday 30 April 2015**. If there are any questions please contact me on telephone (08) 6251 2442 or email elizabeth.prouse@commerce.wa.gov.au.

Yours sincerely

Elizabeth Prouse
Senior Liaison & Compliance Officer
Associations & Charities

13.4 LEASE AGREEMENT – KOJONUP PISTOL CLUB INC. AND CENTRAL GREAT SOUTHERN ARCHERS INC.

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
Michelle Dennis – Development Services Coordinator
DATE: Friday, 10 April 2015
FILE NO: RC.LIA.2
ATTACHMENT: [13.4.1 Landgate Imagery](#)
[13.4.2 Draft Lease Agreement](#)

DECLARATION OF INTEREST

Cr Fleay

SUMMARY

To present to Council a formal Lease Agreement between the Shire of Kojonup and the Kojonup Pistol Club Inc. and Central Great Southern Archers Inc. for use by the respective clubs to conduct a variety of pistol and archery events within a clearly defined area that safeguards not only club users but also the general public within the various Reserves.

BACKGROUND

Council is aware as a result of previous reports generated by the Manager of Regulatory and Community Services in relation to the Asbestos Management Plan that the existing Pistol/Archery Club Building contains Asbestos and also requires building maintenance to address structural issues. Council allocated \$25,000 (Code 6479) in the 2014/2015 Budget to demolish the existing building and relocate the transformer to ensure continuity of power supply to the Kojonup Clay Target Club Inc. which is adjacent to the Pistol/Archery building.

COMMENT

Since the adoption of the Annual Budget in July 2014 a number of meetings have been held with the three clubs to assess opportunities to merge the groups into one facility.

As a result of these discussions it was apparent that the Clay Target Club has a specific use facility, however the Pistol and Archery Clubs recognized synergies between that would allow a joint collaboration to address the asbestos and building issues and to undertake improvements that would ensure compliance and longevity of the facility without the need for complete demolition of the building.

The preparation of a Lease Agreement builds on these prior discussions and commitments by the Pistol and Archery Clubs.

The preparation of the Lease Agreement has also highlighted the numerous land parcels currently used by the clubs as summarized below and illustrated in the attachment. Based on the aerial overlay:

- The clubs currently access the facilities via a driveway located across Lot 87 (conditional freehold land) and Lot 356 of Reserve 16076 (vested to the Shire of Kojonup for the purposes of “Recreation”) with the access traversing Reserve 36549 and Reserve 13697.
- The Clay Target Club building is located within Reserve 36549. This Reserve is currently vested to the Shire of Kojonup for the purposes of “Rifle Range” with a power to lease.
- The toilet building is located within Lot 312 of Reserve 13697. Reserve 13697 is Crown Land that **does not** have a Management Order. The listed purpose of this reserve is “Rifle Range”.
- The Golf and Tennis Clubs are primarily located within Lots 355 and 357 of Reserve 16076. However, a number of fairways appear to be located within Lot 7317 of Reserve 13697.

As a Management Order does not exist currently for Reserve 13697, the Shire does not have the power to lease. Discussions with officers from the State Lands Department have suggested that an expedient way to effect a lease would be to request that Reserve 13697 be cancelled and the land parcels amalgamated with Reserve 36549.

As part of the review of the Showgrounds area, it may be beneficial to review the land parcels in use by other user groups and rationalise the Reserves in this area.

CONSULTATION

Members of the Kojonup Clay Target Club, Pistol Club and Archery Club with CEO, Manager Regulatory & Community Services and Building Surveyor to determine extent of works required to the Building to ensure compliance with the Building Code of Australia and Asbestos Management Plan adopted by Council at its meeting held 15 May 2012.

Christine Zupan, Department of Lands

Briefing Session – 21 October 2014

STATUTORY REQUIREMENTS

The land occupied by the three clubs needs to be clarified as there are conflicting details within our Contracts, Leases and Agreements Register and Land Title Database. While the Shire has the power to Lease Reserve 36549, it is subject to prior approval of the Minister for Lands ie *Land Administration Act 1997*:

18. Crown land transactions that need Minister's approval

- (1) A person must not without authorisation under subsection (7) assign, sell, transfer or otherwise deal with interests in Crownland or create or grant an interest in Crown land.*
- (2) A person must not without authorisation under subsection (7) —*
 - (a) grant a lease or licence under this Act, or a licence under the Local Government Act 1995, in respect of Crown land in a managed reserve; or Land Administration Act 1997*
 - (b) being the holder of such a lease or licence, grant a sublease or sublicense in respect of the whole or any part of that Crown land.*
- (3) A person must not without authorisation under subsection (7) mortgage a lease of Crown land.*
- (4) A lessee of Crown land must not without authorisation under subsection (7) sell, transfer or otherwise dispose of the lease in whole or in part.*
- (5) The Minister may, before giving approval under this section, in writing require —*
 - (a) an applicant for that approval to furnish the Minister with such information concerning the transaction for which that approval is sought as the Minister specifies in that requirement; and*
 - (b) information furnished in compliance with a requirement under paragraph (a) to be verified by statutory declaration.*
- (6) An act done in contravention of subsection (1), (2), (3) or (4) is void.*
- (7) A person or lessee may make a transaction under subsection (1), (2), (3) or (4) —*
 - (a) with the prior approval in writing of the Minister; or*
 - (b) if the transaction is made in circumstances, and in accordance with any condition, prescribed for the purposes of this paragraph.*
- (8) This section does not apply to a transaction relating to an interest in Crown land if —*
 - (a) that land is set aside under, dedicated or vested for the purposes of an Act other than this Act, and the transaction is authorised under that Act; or Land Administration Act 1997*

The process for applying for permission to lease is considered straightforward. A draft lease document with a covering letter explaining the purposes of the lease is submitted to the Department. The Department considers the request and makes recommendations for any alterations or improvements. This is then modified and resubmitted for final endorsement by the Minister. There may be a slight additional delay given that the Shire does not currently have Management Orders over the land to which this proposed lease agreement relates.

POLICY IMPLICATIONS

There are no policy implications for this report other than trying to identify and establish an achievable and realistic agreement for use of the land as shown in Schedule 1 by the Pistol and Archery Club.

FINANCIAL IMPLICATIONS

The aim of the Agreement is to ensure responsibilities listed between each party are honored without Council bearing the major burden for compliance and maintenance.

The willingness of Clubs to undertake trade-offs is encouraged as it is essential that this willingness is converted into actions otherwise the facility will be demolished.

There is also no need to relocate the transformer if the building is enhanced to comply with the Building Code and address the Asbestos Management Plan saving Council in excess of \$15,000.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 -2023

Focus Area 1.5 Staying Active and Entertained

Corporate Business Plan 2013 -2017

Strategy 1.5.2 – Maintaining an active, healthy and social community

RISK MANAGEMENT IMPLICATIONS

The present facility is non-compliant and therefore a high risk to Council, users and the general public. A formal Lease Agreement will clearly list responsibilities including compliance obligations for each signatory to minimise or eliminate risk exposure.

ASSET MANAGEMENT IMPLICATIONS

The building will revert from a tired liability to an asset for the Pistol and Archery Clubs subject to adherence to Building Standards and Lease Agreement conditions.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION**That Council:**

- 1. Instruct the Chief Executive Officer to request the Minister of Lands to cancel Reserve 13697 and amalgamate Lots 312, 313, 314 and 7313 into existing Reserve 36549 to enable effective management of the Reserve.**
- 2. Apply for permission to enter into a ten year Lease Agreement with the Kojonup Pistol Club Inc. and Central Great Southern Archers Inc. generally in accordance with the attached draft.**
- 3. Request the Chief Executive Officer to prepare a lease agreement with Kojonup Clay Target Club Inc. thereby ensuring all users of the area are formally compliant.**

COUNCIL DECISION

/15 Moved Cr

, seconded Cr

CARRIED/LOST

/



Scale: 1:12,521

Description
Land parcel with aerial overlay

Map Projection: GDA 94 (Lat/Long)

Datum: Geocentric Datum of Australia 1994

1 Midland Square
Midland WA 8056
(08) 9273 7341
customerservice@landgate.wa.gov.au
www.landgate.wa.gov.au



Landgate



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Map Viewer

Created 15 Apr 2015



117° 07' 49"E 33° 50' 50"S

117° 08' 27"E 33° 50' 50"S

This Agreement is between the Shire of Kojonup of 93 Albany Highway, Kojonup,

AND

Kojonup Pistol Club Inc. and Central Great Southern Archers Inc. of Kojonup.

Term: 5 years with the option of a further 5 years commencing 1 May 2015 for the area as outlined in Schedule 1 attached.

Agreed joint responsibilities and actions.

Shire Council Responsibilities:

- Maintenance of entry to the Kojonup Pistol and Archery Clubs’.
- Maintenance of all other access roads to the Kojonup Pistol and Archery Clubs and facilities.
- Insurance of buildings and permanent fixtures (Not public liability for activities or contents insurance).
- Materials Trade-Off to an amount as mutually agreed between CEO and Kojonup Pistol and Archery Clubs in recognition of In-Kind Volunteer hours contributed to the demolition and renovation/rebuilding of the Club House and associated facilities as per approved plans submitted and approved by the Shire of Kojonup.

Kojonup Pistol and Archery Clubs’ Responsibilities – Inclusive of but not limited to:

- Building contents insurance.
- Public liability insurance.
- Litter control; if Council is forced to clean and tidy the surrounds an invoice will be presented to the clubs.
- All building maintenance.
- Payment of all power costs associated with the Kojonup Pistol and Archery Clubs’ and surrounds.
- Maintenance of boundary fencing as shown in Schedule 1 including fire breaks.
- All other general repairs or costs associated with the running and facilitation of the Kojonup Pistol and Archery Clubs’ are to be borne by the Kojonup Pistol and Archery Clubs.
- Any future improvements will be subject to Council approval.
- Remove a section of the building containing asbestos using proper safety procedures and make good.
- Materials Trade-Off to an amount as mutually agreed between CEO and Kojonup Pistol and Archery Clubs in recognition of In-Kind Volunteer hours contributed to the replacement and / or extension of the perimeter fencing and signage as per area outlined in Schedule 1 to a mutually agreed standard.

SCHEDULE 1

This agreement extends to those areas highlighted in white as below with a minimum exclusion zone as depicted in yellow.



Signed

Rick Mitchell-Collins
Chief Executive Officer
Shire of Kojonup

President
Kojonup Pistol Club Inc.

President
Central Great Southern Archers Inc.

Date:...../...../2015

14 COMMITTEES OF COUNCIL

14.1 AUDIT COMMITTEE

OFFICER RECOMMENDATION

That the attached unconfirmed minutes of the Audit Committee held Monday 16th March 2015 be received by Council.

COUNCIL DECISION

/15 Moved Cr , seconded Cr

CARRIED/LOST /

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

Nil

16 **NEW BUSINESS**

(of an urgent nature, introduced by a decision of the meeting).

17 CONFIDENTIAL REPORTS

- 17.1 CONSIDERATION OF BUDGET REALLOCATION – WASTE WATER REUSE PROJECT
17.2 CONDITION OF DWELLING – 3 (LOT 54) LADYMAN STREET, KOJONUP

AUTHOR: Michelle Dennis – Development Services Coordinator
DATE: Friday, 10 April 2015
FILE NO: CP.MTC.19 & A9563
ATTACHMENT: 17.1 Confidential Report
17.2 Confidential Report & Attachment

SUMMARY

To consider a budget reallocation to enable completion of the Waste Water Reuse Project.

To consider further action in relation to the condition of the property at 3 (Lot 54) Ladyman Street, Kojonup.

STATUTORY REQUIREMENTS

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

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the meeting be closed to the public in accordance with s5.23 of the *Local Government Act 1995* to discuss:

- (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 —**
 - (ii) information that has a commercial value to a person; 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**
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety.**

COUNCIL DECISION

/15 Moved Cr

, seconded Cr

CARRIED/LOST

/

18 **NEXT MEETING**

Tuesday, 19th May 2015 commencing at 3:00pm.

19 **CLOSURE**

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

20 **ATTACHMENTS (SEPARATE)**

- Item 10.1 Financial Management Review – November/December 2014
- Item 10.2 Monthly Payment Listing 01/03/2015 – 31/03/2015
- Item 10.3.1 Business Continuity Management Policy
- Item 10.3.2 Business Continuity and Disaster Recovery Plan December 2014
- Item 14.1 Unconfirmed Audit Committee Minutes – Monday 16th March 2015
- Item 17.1 Confidential Report
- Item 17.2 Confidential Report & Attachment