

SHIRE OF KOJONUP



Council Minutes

17th March 2015

SHIRE OF KOJONUP**MINUTES FOR THE COUNCIL MEETING HELD ON 17th March 2015****TABLE OF CONTENTS**

1	DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS	3
2	ATTENDANCE & APOLOGIES	3
3	SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	3
4	PUBLIC QUESTION TIME	4
5	PETITIONS, DEPUTATIONS & PRESENTATIONS	4
6	APPLICATIONS FOR LEAVE OF ABSENCE	4
7	CONFIRMATION OF MINUTES	4
8	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	4
9	DECLARATIONS OF INTEREST	4
10	CORPORATE SERVICES REPORTS	5
10.1	FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY – JANUARY 2015	5
10.2	MONTHLY PAYMENTS LISTING	7
10.3	COMPLIANCE AUDIT RETURN 2014	9
10.4	FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY – FEBRUARY 2015	19
10.5	FINANCIAL MANAGEMENT – 2014/2015 BUDGET REVIEW	21
10.6	ANNUAL REPORT AND MEETING OF ELECTORS – 2013/2014	24
11	WORKS & SERVICES REPORTS	26
12	COMMUNITY & REGULATORY SERVICES REPORTS	26
13	EXECUTIVE & GOVERNANCE REPORTS	27
13.1	2015 MAV FUTURE OF LOCAL GOVERNMENT SUMMIT – ATTENDANCE	27
13.2	SOUTHERN LINK VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (VROC) – ADOPTION OF NEW STRATEGIC PLAN	33
13.3	SOUTHERN LINK VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (VROC) – LOCAL LAW REVIEW	35
13.4	KOJONUP MAIN STREET RENEWAL STRATEGY	38
13.5	SOUTHERN DIRT INC. – MEMORANDUM OF UNDERSTANDING (MOU)	42
14	COMMITTEES OF COUNCIL	49
14.1	KOJONUP BUSH FIRE ADVISORY COMMITTEE	49
14.2	KODJA PLACE ADVISORY COMMITTEE	50
15	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	51
16	NEW BUSINESS	51
17	CONFIDENTIAL REPORTS	52
17.1	CONTRACT OF SALE – PROPOSED LOT 42 THORNBURY CLOSE, KOJONUP	52
18	NEXT MEETING	54
19	CLOSURE	54
20	ATTACHMENTS (SEPARATE)	54

MINUTES

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

The Shire President declared the meeting opened at 3:04pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points and draw the meetings attention to the disclaimer below:

Disclaimer

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

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

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

2 **ATTENDANCE & APOLOGIES**

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
Miss Dominique Hodge	Personal Assistant to the CEO

Members of the Public	1
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APOLOGIES

Nil

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

Nil

4 PUBLIC QUESTION TIME**4.1 Kevin Gale – Kojonup Community Men’s Shed**

Has been in discussions with Minister Terry “Tuck” Waldron MLA regarding straw bale buildings and Tuck is very interested in that area. Brendon Grylls is using this concept in his electorate. Wagga Wagga Council, NSW, has built an aged care building/facility and it might be a good idea to communicate with them the questions in regard to building something like that here in Kojonup.

5 PETITIONS, DEPUTATIONS & PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

ORDINARY MEETING 17th February 2015

COUNCIL DECISION

25/15 Moved Cr Pritchard, seconded Cr Benn that the Minutes of the Ordinary Meeting of Council held on 17th February 2015 be confirmed as a true record.

CARRIED 8/0

SPECIAL MEETING 5th March 2015

COUNCIL DECISION

26/15 Moved Cr Mathwin, seconded Cr Pritchard that the Minutes of the Special Meeting of Council held on 5th March 2015 be confirmed as a true record.

CARRIED 8/0

8 ANNOUNCEMENTS by the Presiding Member without discussion

Nil

9 DECLARATIONS OF INTEREST

Nil.

The Shire President made all Councillors aware that if something comes up as they come to an item to remember to declare the interest.

Once the meeting reached Item 13.1 the Shire President declared an interest and left the Chamber.

10 CORPORATE SERVICES REPORTS**10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY – JANUARY 2015**

AUTHOR: Anthony Middleton – Manager Corporate Services
DATE: Wednesday, 18 February 2015
FILE NO: FM.FNR.2
ATTACHMENT: 10.1 Monthly Statement of Financial Activity – January 2015

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to note the Monthly Financial Statements for the period ending 31 January 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 2014 to 31 January 2015 represents seven (7) months, or 58% of the year. The following items are worthy of noting:

- Surplus position of \$991,882;
- 60% of budgeted operating revenue has been received and 46% of budgeted operating expenditure (excludes depreciation) has been spent;
- 10.0% of total rates collectable are outstanding (this figure includes previous years arrears but excludes deferred rates); and
- Cash holdings of \$4.21m of which \$3.43m is held in cash backed reserve accounts.
- Page 7 & 8 of the statements details 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 2013-23 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

There are no risk management implications for this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

VOTING REQUIREMENTS

Simple Majority

3:08pm Member of the public left the Chamber.

COUNCIL DECISION / OFFICER RECOMMENDATION

27/15 Moved Cr Benn, seconded Cr Pedler that the monthly financial statements for the period 1 July 2014 to 31 January 2015, as attached, be noted.

CARRIED 8/0

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Brodie Potter – Finance Officer
DATE: Monday, 9 March 2015
FILE NO: FM.AUT.1
ATTACHMENT: 10.2 Monthly Payment Listing 01/02/2015 – 28/02/2015

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments covering the period 1st February 2015 – 28th February 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

COUNCIL DECISION / OFFICER RECOMMENDATION

28/15 Moved Cr Mathwin, seconded Cr Benn that in accordance with Regulation 13 (1) of the *Local Government (Financial Management) Regulations 1996*, the list of payments made under delegated authority from 1/02/2015 to 28/02/2015 comprising of Municipal Cheques 13327 - 13347, EFT's 13471 to 13649 and Direct Debits 17141.1 – 17231.1 totalling \$821,377.12 and as attached to this agenda, be received.

CARRIED 8/0

10.3 COMPLIANCE AUDIT RETURN 2014

AUTHOR: Anthony Middleton – Manager Corporate Services
DATE: Sunday, 8 March 2015
FILE NO: CM.REP.1
ATTACHMENT: 10.3 Compliance Audit Return

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to adopt the Compliance Audit Return for 2014.

BACKGROUND

Local Government (Audit) Regulation 14 requires a local government to carry out a compliance audit for each calendar year.

COMMENT

The completion of the Compliance Audit Return is mandatory for each local government. The return has been completed following a review of processes and documentation for each activity / area in which compliance is being assessed against the *Local Government Act 1995* and its associated regulations. The return is to be adopted by the Council and submitted to the Department of Local Government and Communities by 31 March each year.

A recent change to Regulation 14 requires that the local government's Audit Committee now review the return and report the results of that review to the Council prior to adoption and submission to the Department.

The Audit Committee will meet prior to the Council meeting and its recommendation will be provided to the Council as soon as possible.

CONSULTATION

The Senior Management Team and Audit Committee.

STATUTORY REQUIREMENTS

The *Local Government Audit Regulations 1996*, Regulation 14 states:

- “(1) a local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) the local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under sub regulation (3A), the compliance audit return is to be —
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.”

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

STRATEGIC/CORPORATE 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

RISK MANAGEMENT IMPLICATIONS

Maximising compliance with legislation minimizes the risks to the organization of non-compliance and any associated penalties, damage to image or reputation that may occur.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. The recommendation from the Audit Committee be noted; and
2. The Compliance Audit Return for 2014, as attached, be adopted.

The Manager of Corporate Services advised that the Audit Committee met on Monday 16 March 2015 and passed the following decision to be recommended to the Council:

COMMITTEE DECISION:

That it be recommended to the Council that the Compliance Audit Return for 2014, as attached, be adopted, subject to:

- **Question 6 (Finance) being changed to yes and additional comment being provided; and**
- **Additional comment being provided in question 7 (Finance).**

COUNCIL DECISION

29/15 Moved Cr Trethowan, seconded Cr Pedler that:

- 1. The recommendation from the Audit Committee be noted; and**
- 2. The Compliance Audit Return for 2014, as attached, be adopted subject to:**
 - **Question 6 (Finance) being changed to yes and additional comment being provided; and**
 - **Additional comment being provided in question 7 (Finance).**

CARRIED 8/0

Department of Local Government and Communities - Compliance Audit Return

Government of Western Australia
Department of Local Government and Communities**Kojonup - Compliance Audit Return 2014**

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2014.	N/A		Anthony Middleton
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2014.	N/A		Anthony Middleton
3	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2014.	N/A		Anthony Middleton
4	s3.59(4)	Has the local government given Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction for 2014.	N/A		Anthony Middleton
5	s3.59(5)	Did the Council, during 2014, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	N/A		Anthony Middleton

Department of Local Government and Communities - Compliance Audit Return



Government of Western Australia
Department of Local Government and Communities

Delegation of Power / Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	N/A		Anthony Middleton
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	N/A		Anthony Middleton
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	N/A		Anthony Middleton
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	N/A		Anthony Middleton
5	s5.18	Has Council reviewed delegations to its committees in the 2013/2014 financial year.	N/A		Anthony Middleton
6	s5.42(1),5.43 Admin Reg 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act.	Yes		Anthony Middleton
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes		Anthony Middleton
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes		Anthony Middleton
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	No	The delegation register for delegations from the CEO to other staff was created for the first time in December 2014. However, the majority of this type of delegation are included in the Council to CEO delegation register.	Anthony Middleton
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	Yes		Anthony Middleton
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	No	Council delegations to the CEO - Yes. For delegations from the CEO to other staff - refer to answer of question 9 in this section.	Anthony Middleton
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2013/2014 financial year.	No	Council delegations to the CEO - Yes. For delegations from the CEO to other staff - refer to answer of question 9 in this section.	Anthony Middleton
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required.	Yes		Anthony Middleton
Disclosure of Interest					

Department of Local Government and Communities - Compliance Audit Return



Government of **Western Australia**
Department of Local Government and Communities

No	Reference	Question	Response	Comments	Respondent
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68).	No	Item 14.2 - April 2014 Council Meeting Item 10.2 - October 2014 Council Meeting	Anthony Middleton
2	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings.	N/A		Anthony Middleton
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made.	Yes		Anthony Middleton
4	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	N/A		Anthony Middleton
5	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day.	Yes		Anthony Middleton
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2014.	Yes		Anthony Middleton
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2014.	Yes		Anthony Middleton
8	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return.	Yes		Anthony Middleton
9	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76	Yes		Anthony Middleton
10	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.	Yes		Anthony Middleton
11	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76.	Yes		Anthony Middleton
12	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee.	Yes		Anthony Middleton

Department of Local Government and Communities - Compliance Audit Return



Government of Western Australia
Department of Local Government and Communities

No	Reference	Question	Response	Comments	Respondent
13	s5.103 Admin Reg 34C & Rules of Conduct Reg 11	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	Yes		Anthony Middleton
14	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report.	Yes		Anthony Middleton
15	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee.	Yes		Anthony Middleton
16	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes		Anthony Middleton

Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Was local public notice given prior to disposal for any property not disposed of by public auction or tender (except where excluded by Section 3.58(5)).	Yes		Anthony Middleton
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property.	Yes		Anthony Middleton

Elections

No	Reference	Question	Response	Comments	Respondent
1	Elect Reg 30G (1)	Did the CEO establish and maintain an electoral gift register and ensure that all 'disclosure of gifts' forms completed by candidates and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the candidates.	N/A		Anthony Middleton

Finance

No	Reference	Question	Response	Comments	Respondent
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act.	Yes		Anthony Middleton

Department of Local Government and Communities - Compliance Audit Return



Government of Western Australia
Department of Local Government and Communities

No	Reference	Question	Response	Comments	Respondent
2	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.	N/A		Anthony Middleton
3	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	N/A	No auditor appointments occurred in 2014.	Anthony Middleton
4	s7.3	Was the person(s) appointed by the local government to be its auditor, an approved auditor.	N/A	No auditor appointments occurred in 2014.	Anthony Middleton
5	s7.3, 7.5(3)	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	N/A	No auditor appointments occurred in 2014.	Anthony Middleton
6	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2014 received by the local government within 30 days of completion of the audit.	No	Audit conducted on-site 28-30 January 2015 and audit report received 6 March 2015.	Anthony Middleton
7	s7.9(1)	Was the Auditor's report for 2013/2014 received by the local government by 31 December 2014.	No	The audit was conducted on 28 - 30 January 2015.	Anthony Middleton
8	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken by the local government, was that action undertaken.	N/A	No action required	Anthony Middleton
9	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.	N/A	No action required	Anthony Middleton
10	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	N/A	No action required	Anthony Middleton
11	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes		Anthony Middleton
12	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes		Anthony Middleton
13	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes		Anthony Middleton
14	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor.	Yes		Anthony Middleton

Department of Local Government and Communities - Compliance Audit Return



Government of **Western Australia**
Department of Local Government and Communities

No	Reference	Question	Response	Comments	Respondent
15	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor.	Yes		Anthony Middleton

Local Government Employees

No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised.	N/A		Anthony Middleton
2	s5.36(4) s5.37(3), Admin Reg 18A	Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s.5.36(4), 5.37(3) and Admin Reg 18A.	No	The Manager of Aged Care Services position was undertaken by a recruitment agency and no advertisement was placed.	Anthony Middleton
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).	N/A		Anthony Middleton
4	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only).	N/A		Anthony Middleton
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	Yes	The Council was notified of the Manager of Aged Care Services appointment, however, no formal decision of acceptance or rejection was recorded in the minutes.	Anthony Middleton

Department of Local Government and Communities - Compliance Audit Return



Government of Western Australia
Department of Local Government and Communities

Official Conduct					
No	Reference	Question	Response	Comments	Respondent
1	s5.120	Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer.	N/A		Anthony Middleton
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that result in action under s5.110(6)(b) or (c).	Yes		Anthony Middleton
3	s5.121(2)(a)	Does the complaints register maintained by the complaints officer include provision for recording of the name of the council member about whom the complaint is made.	Yes		Anthony Middleton
4	s5.121(2)(b)	Does the complaints register maintained by the complaints officer include provision for recording the name of the person who makes the complaint.	Yes		Anthony Middleton
5	s5.121(2)(c)	Does the complaints register maintained by the complaints officer include provision for recording a description of the minor breach that the standards panel finds has occurred.	Yes		Anthony Middleton
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b) (c).	Yes		Anthony Middleton

Tenders for Providing Goods and Services

No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2)).	No	Road building materials Purchase of passenger vehicles	Anthony Middleton
2	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than inviting tenders for a single contract.	N/A		Anthony Middleton
3	F&G Reg 14(1)	Did the local government invite tenders via Statewide public notice.	Yes		Anthony Middleton
4	F&G Reg 14, 15 & 16	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16.	Yes		Anthony Middleton

Department of Local Government and Communities - Compliance Audit Return



Government of Western Australia
Department of Local Government and Communities

No	Reference	Question	Response	Comments	Respondent
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation.	N/A		Anthony Middleton
6	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.	N/A		Anthony Middleton
7	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.	Yes		Anthony Middleton
8	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17.	Yes		Anthony Middleton
9	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes		Anthony Middleton
10	F&G Reg 21 & 22	Did the local governments's advertising and expression of interest documentation comply with the requirements of F&G Regs 21 and 22.	N/A		Anthony Middleton
11	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.	N/A		Anthony Middleton
12	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services.	N/A		Anthony Middleton
13	F&G Reg 24	Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24.	N/A		Anthony Middleton
14	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government comply with the requirements of F&G Reg 24E in relation to the preparation of a regional price preference policy (only if a policy had not been previously adopted by Council).	N/A		Anthony Middleton
15	F&G Reg 11A	Does the local government have a current purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$100,000 or less.	Yes		Anthony Middleton

10.4 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY – FEBRUARY 2015

AUTHOR: Anthony Middleton – Manager Corporate Services
DATE: Sunday, 8 March 2015
FILE NO: FM.FNR.2
ATTACHMENT: 10.4 Monthly Statement of Financial Activity – February 2015

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to note the Monthly Financial Statements for the period ending 28 February 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 2014 to 28 February 2015 represents eight (8) months, or 66% of the year. The following items are worthy of noting:

- Surplus position of \$1,020,669;
- 65% of budgeted operating revenue has been received and 51% of budgeted operating expenditure (excludes depreciation) has been spent;
- 8.6% of total rates collectable are outstanding (this figure includes previous years arrears but excludes deferred rates); and
- Cash holdings of \$4.19m of which \$3.43m is held in cash backed reserve accounts.
- Page 7 & 8 of the statements details 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 IMPLICATIONS

There are no asset management implications for this report.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

30/15 Moved Cr Trethowan, seconded Cr Radford that the monthly financial statements for the period 1 July 2014 to 28 February 2015, as attached, be noted.

CARRIED 8/0

10.5 FINANCIAL MANAGEMENT – 2014/2015 BUDGET REVIEW

AUTHOR: Anthony Middleton – Manager Corporate Services
 DATE: Sunday, 8 March 2015
 FILE NO: FM.FNR.2
 ATTACHMENT: 10.5 2014/2015 Budget Review

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider a review of the Annual Budget for 2014/2015.

BACKGROUND

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

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

COMMENT

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

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

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

A/c #	Account Description	Original Budget	Proposed Budget	Comments
<u>General</u>				
	<ul style="list-style-type: none"> • Salaries & Wages allocations have been re-allocated throughout the sub-programs; • Insurance allocations have been fine-tuned throughout the sub-programs; • Council decision from 9 December 2014 to purchase portion of Goodall's block for KTR has been incorporated into budget figures; • Only change to reserve accounts is as per above dot point; • No changes to loans; • Plant replacement program updated to incorporate Roller change as discussed at briefing session 17 February 2015; and • Bridge Upgrade removed as it was not funded by the State. 			

C261	Water Re-use Project (VROC)	\$184,396	\$216,030	Variation on CLGF Grant to include desludging of Turkey Nest Dam.
C238	Kodja Place Rose Maze	\$10,000	\$0	To fund project above
C226	Oval Retic Upgrades	\$7,000	\$0	To fund project above
<u>Governance</u>				
C137 (p.9)	Office Equipment	\$120,000	\$135,000	\$5,000 for additional PC's and \$10,000 to purchase the SynergySoft HR module.
<u>Law, Order & Public Safety</u>				
2633 (p.17)	Ranger Income	(\$45,000)	(\$20,000)	Revenue estimate reduced due to change in staff sharing arrangements with VROC partners.
<u>Housing</u>				
C190 (p.9)	Springhaven – Air-Conditioning	\$3,000	\$9,000	To install new units following breakdowns.
C195	Springhaven - Building	\$266,000	\$251,000	One flat roof repair will be incorporated into new toilet block.
C266	Springhaven - Carpark	\$22,000	\$10,000	Savings to budget
<u>Recreation and Culture</u>				
C158	Swimming Pool Capital Equipment	\$15,000	\$35,000	Additional allocation based on DSR grant received.
C307	Sporting Facilities Master Plan – Allocation Only	\$90,000	\$75,000	Savings to budget
6434	Sports Complex – Turkey Nest Dam Water	\$8,000	\$45,000	To account for hire of transfer pump
<u>Transport</u>				
C174	Footpath Capital Improvement Program	\$55,000	\$69,000	To fund actual expenditure
C308	Main Street Master Plan – Allocation Only	\$36,000	\$0	Savings to budget

CONSULTATION

Senior Staff have assisted in the compilation of the Budget Review Document and the major items were discussed at a briefing session with elected members on 5 March 2015.

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulation 33A states:

“Review of budget

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

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

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

STRATEGIC/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 IMPLICATIONS

There are no asset management implications for this report.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

31/15 Moved Cr Pedler, seconded Cr Benn that the 2014/2015 Annual Budget be amended in accordance with the proposed changes in the attached 2014/2015 Budget Review document.

CARRIED BY ABSOLUTE MAJORITY 8/0

10.6 ANNUAL REPORT AND MEETING OF ELECTORS – 2013/2014

AUTHOR: Anthony Middleton – Manager Corporate Services
DATE: Sunday, 8 March 2015
FILE NO: FM.AUD.2 & FM.FNR.1
ATTACHMENT: 10.6 Annual Report 2013/2014

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to accept the 2013/2014 Annual Report, incorporating the Annual Financial Report and Audit report, and to set a date for the annual meeting of electors.

BACKGROUND

Each local government is to prepare an annual report for each financial year. The report is a record of the Shire's activities for the financial year and is part of the accountability principles established for local government.

COMMENT

The Annual Financial Report, Audit Report and Management Letter will be considered by the Audit Committee prior to the Council meeting and any recommendation from the Committee will be forwarded to the Council as soon as possible. The Audit Report forms part of the Annual Report and the management letter is provided as additional information to the Committee for transparency.

The Annual elector's meeting must be held within 56 days of accepting the annual report, with appropriate time being allowed after adoption to give notice of the meeting, say 14 days. This effectively means that the Annual electors meeting needs to be held between 1 April and 12 May 2015. It is recommended that the date for the Annual meeting of Electors be set for Tuesday, 21 April 2015 to coincide with the Council Meeting date. Alternatively, the Council may choose any other date within this timeframe.

CONSULTATION

Audit Committee.

STATUTORY REQUIREMENTS

Section 5.26 to 5.33; 5.53 & 5.54 - *Local Government Act 1995*

Regulation 51(2) of the *Local Government (Financial Management) Regulations 1996*

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

This item reports on the financial position of the Shire as at 30 June 2014. 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 IMPLICATIONS

There are no asset management implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. The Council adopts the 2013/2014 Annual Report, including the Annual Financial Report, as attached; and
2. The Annual Meeting of Electors be held on Tuesday 21 April 2015 in the Lesser Hall, Kojonup, commencing at 7:00pm.

The Manager of Corporate Services advised that the Audit Committee met on Monday 16 March 2015 and passed the following decision to be recommended to the Council:

COMMITTEE DECISION:

That:

1. It be recommended to the Council that the 2013/2014 Annual Financial Report, as attached, be adopted, subject to the transposition errors for Interest and Insurance Expenses for both the prior year and budget figures on page 8 being corrected; and
2. The matters raised in the Management Letter be noted and included in the Committee Status Report (Item 9.1) of future audit committee agenda's.

COUNCIL DECISION / OFFICER RECOMMENDATION

32/15 Moved Cr Mathwin, seconded Cr Radford that:

1. The Council adopts the 2013/2014 Annual Report, including the Annual Financial Report, as attached; and
2. The Annual Meeting of Electors be held on Tuesday 21 April 2015 in the Lesser Hall, Kojonup, commencing at 7:00pm.

CARRIED 8/0

There was discussion after the motion that the front cover be changed.

11 WORKS & SERVICES REPORTS

Nil

12 COMMUNITY & REGULATORY SERVICES REPORTS

Nil

13 EXECUTIVE & GOVERNANCE REPORTS**13.1 2015 MAV FUTURE OF LOCAL GOVERNMENT SUMMIT – ATTENDANCE**

AUTHOR: Dominique Hodge – Personal Assistant to the Chief Executive Officer
DATE: Thursday, 5 March 2015
FILE NO: GO.CLR.5
ATTACHMENT: 13.1 Conference Program

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to recommend the attendance of the Shire President at the Municipal Association of Victoria (MAV), 2015 Future of Local Government Summit in Melbourne, 28 and 29 May 2015.

BACKGROUND

The Municipal Association of Victoria's 2013 Future of Local Government was held on 21 and 22 May 2014 and attended by the Shire President.

COMMENT

If authorised to attend, the Shire president will provide Council with a report on the Summit and any supporting documentation that is provided through the Summit.

CONSULTATION

Shire President & CEO

STATUTORY REQUIREMENTS

Elected Member – Continued Professional Development

POLICY IMPLICATIONS

There are no policy implications however the CEO is reviewing Policy 3.3 for Council's future consideration.

FINANCIAL IMPLICATIONS

Registration to the Summit is \$594.00.

Air Travel costs will be approximately \$600.00.

Accommodation costs will be approximately \$570.00.

In the 2014/2015 Budget, Account 1512 (Members Conference/Education Expenses) has sufficient funds available.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023 – Being Well Governed

Corporate Business Plan 2013- 2017 Strategy 1.1.5 –Develop and maintain Councillors skills

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications for this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

VOTING REQUIREMENTS

Simple Majority

3:29pm The Shire President declared an interest as the recipient and left the Chamber.

3:29pm Cr Sexton, Deputy Shire President took the Chair.

COUNCIL DECISION / OFFICER RECOMMENDATION

33/15 Moved Cr Mathwin, seconded Cr Radford that the Shire President be authorised to attend the Municipal Association of Victoria 2015 Future of Local Government Summit to be held in Melbourne on 28 and 29 May 2015.

CARRIED 7/0

3:30pm The Shire President returned to the Chamber and took the Chair.

2015 The Future of Local Government National Summit

**Thursday May 28 and
Friday May 29, 2015**
Rydges Melbourne, 186 Exhibition Street



A tsunami of change is underway and the **LG Smart Train** has left the station: are you on board for the new 'joined up' future or still pursuing **Business as Usual**?

The Virtual Council: is it the biggest wake-up call in the history of LG?

The Eleventh Future of Local Government (FOLG) National Summit is all about the sector acknowledging that:

- LG is facing unprecedented challenges: is it the perfect storm or a great opportunity?
- demand for LG services is increasing and the resources to deliver are decreasing
- the days of each Council 'doing its own thing' are coming to an end: it is not compatible with the Digital Age and is not sustainable
- the vision of a collaborative and more productive local government delivering priority outcomes to a more engaged community is achievable but will require fundamental change to the way services are planned, organised and delivered. This will include assessing if they are best managed at the State, regional or local level.
- a new relationship between citizens and government (G2C) is evolving rapidly and Councils need to be collaborating and innovating as never before if they are to be relevant.
- There are an increasing number of transformative 'lighthouse' projects and Smart Councils leading the way forward. In addition, change is often being driven by Councils 'exploring new ways in the sandpit' rather than pursuing a 'big bang' approach.

The 2015 Summit features an outstanding array of international and Australian speakers discussing these future directions and case studies.

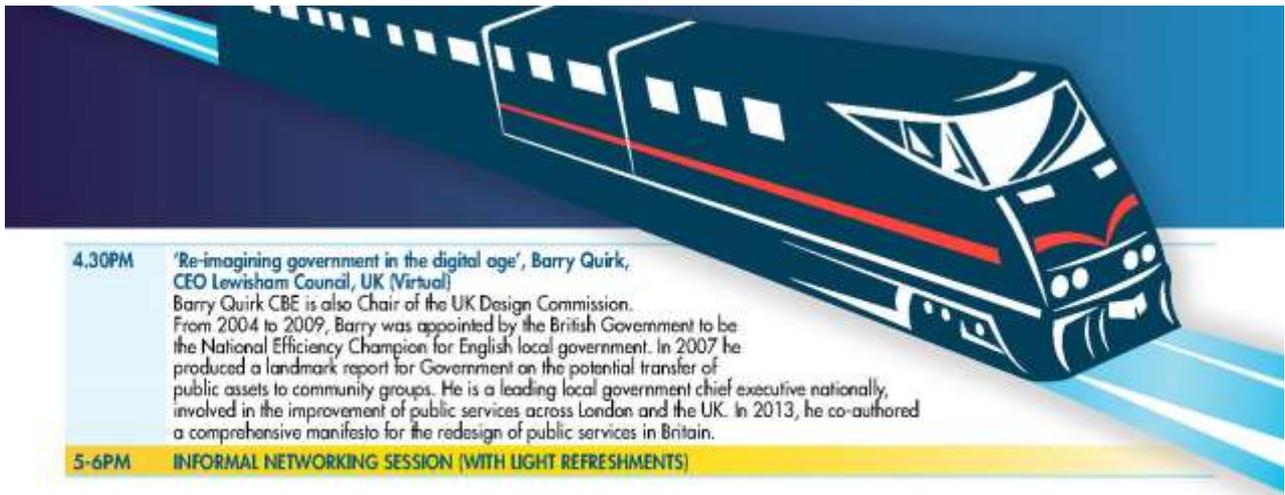
Who should attend? Anyone with an interest in the future of local government

Excitedly convened by the Municipal Association of Victoria (MAV) on behalf of local government nationally

The Future of Local Government

THURSDAY, MAY 28

8.30AM	REGISTRATION AND COFFEE
9AM	WELCOME, MAY PRESIDENT
9.10AM	The Future of Local Government Journey: The Evolution and the Challenges: update
9.30AM	'The biggest wake-up call in history', Richard A Slaughter, Director of Foresight International. Richard will discuss the nature of the major changes currently sweeping the world, the profound impact they are likely to have on local government and suggested practical responses. Richard is a futurist of international standing. He is a consulting futurist who has worked with a wide range of organisations in many countries and has published 20 books.
10.15AM	'Virtual Local Government', Professor Percy Allan, Percy Allan and Associates. Imagine your local council didn't exist. In its place, a small group of people performed only the bare functions of government. Generic tasks were outsourced. Rate collection and capital works were outsourced too. Part-time contractors were employed by the council for specialist work. If service delivery was not satisfactory, the council could switch suppliers quickly. In Virtual local government, Percy examines the efficiency and effectiveness of Australian councils and their speed, scope and specificity in delivering services. Percy was Secretary of the NSW Treasury and Chairman of the NSW Treasury Corporation between 1985 and 1994. In 1996, he was awarded an Order of Australia for his contributions to public sector reform. Percy has chaired an Independent Inquiry into the financial sustainability of NSW Local Government and has been a financial adviser to national and state governments in China, India, Indonesia, Philippines, Thailand, Kazakhstan and the Pacific Islands as well as worked for the World Bank, Asian Development Bank and IMF. He has helped overhaul their financial management arrangements.
11.05AM	MORNING TEA
11.30AM	'City of Melbourne People's Panel: we don't need better politicians, we need a better system', Cr. Stephen Mayne, City of Melbourne. Participatory budgeting processes traditionally focus on a component of discretionary budget – such as a representatives ability to ring-fence a couple of million dollars for community facilities. However, in many ways the larger challenge in budgeting is the dominance of interest groups coupled with the capacity to present any and all decisions as an electoral negative: cutting services or raising rates are both equally tricky paths to navigate. Moreover, the challenge facing all elected officials is the need to take a longer term view beyond the current electoral cycle – a challenge which is counter to any representatives interest in survival. For the first time, the City of Melbourne is producing a 10 Year Financial Plan, and is giving unparalleled access to a descriptively representative random sample of citizens who have produced a set of recommendations to inform the Lord Mayor and Councillors. The City's scope of operations is immense – in the region of \$400m annually – and this will be the largest city with the largest budget to open up their books to a deliberative process giving citizens this level of access and authority. Cr Stephen Mayne is a business journalist and is determined to deliver on the recently adopted goal in Council's four year plan to make the City of Melbourne 'one of Australia's most open and transparent councils'. The project was instrumental in the City of Melbourne winning the IAP2's International Organisation of the Year Award.
12.10PM	'newDemocracy – Why and How to Innovate in Democracy: Sharing Hard Decisions with Your Community'. Iain Walker, Executive Director, New Democracy Foundation. The Foundation believes there is a better way to do democracy. People want to be participants in politics, not just polarised voters in adversarial contests. The research evidence is compelling – trusted outcomes are achieved when a diverse and representative group of citizens group of citizens, randomly selected, deliberate together. We don't need better politicians. We need a better system. The Foundation has now been highly involved in a large number of participative democratic initiatives around Australia with outstanding success.
12.50PM	LUNCH
1.45PM	'Lessons I've learnt in local government and elsewhere', Kelvin Spiller, Leadership Thinking Australia. Local Government has a high turnover of CEOs and senior managers and there is often little opportunity for reviewing or knowledge sharing with those leaving the sector. Kelvin has been CEO of six organisations, including four Councils in two states, as well as an energy utility and a NFP. He has also been involved in executive coaching and mentoring of CEOs and business owners covering both private and public sectors. He will discuss his learnings about the key success factors in Councils and include a range of case study material.
2.30PM	'The future of local public services and implications for local government', Professor Helen Sullivan, University of Melbourne. Helen Sullivan is Professor and Director of the Melbourne School of Government at the University of Melbourne. She worked in local government before becoming Director of Research at the Cities Research Centre, UWE, Bristol. She joined the University of Melbourne in 2011. In 2010/11 she directed the University of Birmingham's first Policy Commission, an innovative collaboration involving academics, policy makers, profit and non-profit service providers and service users in generating new thinking on 'the future of local public services'. The Policy Commission's report, 'When Tomorrow Comes' was published in 2011.
3PM	AFTERNOON TEA
3.20PM	'Transformation to a smarter way of working', Di Ashton, Project Director, Activity-Based Working, Cardinia Shire Council. Cardinia Council has used the move to a new office location to transform its operations and 'go paperless'. The Paper Independence project focussed on training and improving business processes to enable a more efficient and responsive service throughout the council. This innovative project engaged staff throughout the whole organization. Cardinia Shire Council is the first council to adopt an activity-based working model which has transformed the council from being totally dependent on paper into an office with a fully mobile workforce. The project has already won several awards.
3.55PM	'The importance of innovation and its implementation in government', Kate Delaney, Delaney Foresight. 'Does your community have more memories than dreams or more dreams than memories? Kate Delaney works with others to better understand how the world works now, and how it might work in the future. A range of strategy, strategic foresight (horizon scanning, scenarios, systems thinking) and other approaches are employed to create solutions and inform decisions that work today and that are resilient for the future. Delaney Foresight's goal is to help organisations become more forward thinking, resilient and equitable. They believe that a more integrated, multi-disciplinary approach to strategy, policy and practices is key to achieving transformative change.



- 4.30PM** 'Re-imagining government in the digital age', Barry Quirk, CEO Lewisham Council, UK (Virtual)
Barry Quirk CBE is also Chair of the UK Design Commission. From 2004 to 2009, Barry was appointed by the British Government to be the National Efficiency Champion for English local government. In 2007 he produced a landmark report for Government on the potential transfer of public assets to community groups. He is a leading local government chief executive nationally, involved in the improvement of public services across London and the UK. In 2013, he co-authored a comprehensive manifesto for the redesign of public services in Britain.
- 5-6PM** **INFORMAL NETWORKING SESSION (WITH LIGHT REFRESHMENTS)**

FRIDAY, MAY 29

- 9AM** 'The Future of LG from the ALGA perspective and the Perth Council amalgamation process and lessons learned', Troy Pickard, President, Australian Local Government Association (ALGA).
Troy Pickard's election to the top job at ALGA comes at a pivotal time for the sector as the Federal Government prepares its White Paper on Reform of the Federation, a document Canberra hopes will help sort out the often complex, messy and often inefficient and expensive way governmental responsibilities are divided up and allocated. Troy was also involved in discussions regarding the Perth Councils amalgamation process and will provide perspectives on the issue.
- 9.40AM** 'Thames-Coromandel's Community Boards and how they drive Council planning', David Hammond, Chief Executive, Thames-Coromandel District Council (NZ).
David Hammond will describe how broad-based devolution to communities can result in a win-win-win for elected members, staff and communities. The Council has established Community Boards to support Community Governance/Empowerment policies with objectives of:
- Moving governance decision-making closer to those being governed.
 - Co-governance – sharing governance powers.
 - Recognising diverse communities and their needs.
- The outcomes achieved are very inspiring.
- 10.25AM** **MORNING TEA**
- 10.50AM** 'Portland's (USA) Neighbourhood Program and how it drives City Council planning', Paul Leistner, Neighborhood Program Coordinator, City of Portland.
Paul Leistner is the Neighbourhood Program Coordinator for the City of Portland Office of Neighborhood Involvement. Paul supports Portland's 95 neighbourhood associations and seven neighbourhood district coalitions. Before coming to work for the City of Portland, Paul served as a neighbourhood activist in Portland for over 17 years. As a volunteer, Paul served in leadership positions in his neighbourhood association and district coalition and served on many citywide advisory groups and policy committees. Paul has worked as a non-partisan public policy analyst for the Washington State legislature and various state agencies. Paul also served for eight years as the research director of the City Club of Portland--coordinating citizen-based public policy research. Paul's dissertation explores the efficacy of citywide community involvement systems in advancing participatory democracy at the local level and uses the evolution of Portland's neighbourhood and community involvement system as a case study.
- 11.35AM** 'The need for Councils to transform their business model', Professor Peter Grant, IBRS.
Peter Grant has an extensive background in business and the public service, including being Vice President of Gartner Consulting and Chief Information Officer for the Queensland Government.
- 12.05PM** 'The Challenge of Change: implications for local government'. John Walker, CEO, Richmond Valley Council (WA).
John Walker has an amazing and highly successful CV including:
- CEO West Australian Football League and West Coast Eagles Football Club
 - CEO Liverpool City Council (NSW)
 - General Manager, Retail Banking, Westpac
 - Chairman, Newsat Ltd
 - Managing Director (Aust and NZ), Thrifty car rental
 - Chairman Centennial Parklands
- John has 'seen it all' and will provide significant insights into the challenges faced by local Councils and suggest preferred future directions in a rapidly changing world.

12.45PM	LUNCH
1.30PM	<p>'City of Greater Geraldton's (WA) Participatory Budgeting Journey', Ken Diehm, CEO. Ken has more than 29 years of local government experience and has held a wide range of financial and engineering management positions in both local government and the private sector including, CEO of Willows Sports Complex Joint Board, Managing Director of Business National, CEO of NQ Water, Director of Water and Asset Planning, and Director of Townsville Water and Waste. More recently, Ken has discovered a passion for engaging the community in Council decision making and was the co-designer of #changesCGG, a deliberative democracy initiative undertaken by the City of Greater Geraldton that won three awards from the International Association for Public Participation Australasia.</p>
2.15PM	<p>'Citizen-driven communities: how to do it', Lucinda Hartley, CEO, CoDesign Studio CoDesign is a social enterprise tackling social exclusion through exciting, low cost neighbourhood improvement projects. CoDesign works with communities, governments and service providers to create new types of public spaces that transform neighbourhoods into thriving sustainable places to live and work. Lucinda Hartley works to better connect people with places. She advises locally and globally on approaches to urban development that are faster, cheaper and simpler. Lucinda spent two years working in slum communities in Vietnam and Cambodia before co-founding CoDesign Studio. Lucinda is also an elected representative to the UN-Habitat Youth Advisory Board, a Fellow of the Collaborative for Inclusive Urbanism and a member of the global Place Leadership Council. Lucinda was also listed in The Age Melbourne Magazine in 2012 as one of Melbourne's 'Top 100' most influential people. She will describe a number of case studies in her presentation.</p>
2.55PM	<p>'Designing the sharing state: why re-invent the wheel?', Steve Schmid, General Manager, Open Technology Foundation. With thousands of governments at local, state and national level around the world that need many of the same technological systems to govern effectively, why do governments often believe they must develop new enterprise systems and their related assets from scratch? This question triggered the creation of one of Australia's most interesting and innovative organisations, the Open Technology Foundation. After working for Microsoft and IBM in the USA, Steve's last role was as Director of the ICT division for the South Australian Government, which is responsible for whole-of-government voice and data systems.</p>
3.25PM	WRAP UPNEXT STEPS
3.30PM	CLOSE

CONFERENCE COST

\$594 (including GST) per person. No single day registrations are available.

TO REGISTER

For online registration and conference details go to www.mav.asn.au/events (click on 'upcoming events' and scroll down to May 28)

QUERIES

jhennessy@mav.asn.au

ACCOMMODATION

Suggest:

Rydges Melbourne,
186 Exhibition Street
(03 96620511)

or

Mercure Hotel,
13 Spring Street, Melbourne 1800 813 442.

NOTE

Program subject to change. Updates on the MAV web site.

'If you change before you have to, you'll never have to change'

13.2 SOUTHERN LINK VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (VROC) – ADOPTION OF NEW STRATEGIC PLAN

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Thursday, 26 February 2015
FILE NO: GR.LRL.2
ATTACHMENT: 13.2 Southern Link VROC Strategic Directions (2015-2020) Final Draft December 2014

DECLARATION OF INTEREST

Nil

SUMMARY

To present to Council a new Southern Link Voluntary Regional Organisation of Councils (VROC) Strategic Plan which was recommended for endorsement without alteration at the full VROC meeting held at Kojonup on 25 February 2015.

BACKGROUND

The inaugural meeting of the VROC was held on 27 November 2008. A partnering agreement was developed between the four member Councils (Broomehill-Tambellup, Cranbrook, Kojonup and Plantagenet) and the Minister for Local Government the Hon John Castrilli attended that signing ceremony.

Subsequently the VROC's first strategic plan was developed and adopted by the each member Council. The Shire of Kojonup adopted the plan at its meeting held on 18 May 2010 and a review of this plan undertaken in 2011. The Shire of Kojonup adopted the revised plan on 21 February 2012.

During 2014, as part of its forward planning and in recognition of changes to funding opportunities, the VROC agreed that a new strategic plan was required and a consultant was appointed to drive this process.

Several planning workshops with individual Councils as well as combined groups, collating both Councillor and staff viewpoints were held. The results of the planning sessions were summarised in a document presented to the full VROC on 26 November 2014. At this meeting further minor changes were requested.

COMMENT

The VROC Strategic Plan document 'Strategic Directions (2015-2020)' provides a good framework to commence collaborative implementation planning (who, when, what resources, what cost) within the four VROC member Councils.

Throughout the strategic planning process there were opportunities identified and already some of the chosen strategies are being implemented including:

Goal 3: Environment (Value and protect the environment):

Strategy 2 – Encourage natural resource management – encourage waste water harvesting and recycling of waste water; and

Strategy 3 – Improve waste management – Develop opportunities for combined waste management for collection services, transfer station management and landfill operations.

CONSULTATION

Several meetings were facilitated by Consultant Mr Bevan Bessan of Tuna Blue Pty Ltd and involved VROC CEOs, individual Council Elected Members/Senior Staff, joint VROC Senior Staff, and a Full VROC Meeting to develop the new Strategic Plan.

STATUTORY REQUIREMENTS

A VROC, as its name suggests, is a voluntary co-operative grouping of like-minded Councils. Therefore it is not recognised in the *Local Government Act* the way regional local governments are recognised pursuant Section 3.61 of the *Local Government Act 1995*.

Nevertheless, in the past the regional grouping has been recognised for funding regarding the regional component of Royalties for Regions.

POLICY IMPLICATIONS

There are no policy implications for this report other than trying to identify and establish achievable and realistic goals for the benefit of the member Councils.

FINANCIAL IMPLICATIONS

There are no financial implications for this report however upon adoption VROC CEO's will prioritize a list of strategies, actions and resources required to progress the achievement of various outcomes during the 2015/2016 Financial Year.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic 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

Strategy 1.1.3.1 – Explore shared service options with neighbouring Local Governments to improve efficiencies

Strategy 1.1.3.2 – Participate as an active partner in the Southern Link VROC

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

RISK MANAGEMENT IMPLICATIONS

Control monitoring and reporting between the member Councils on projects/activities being undertaken is essential to ensure operational and compliance objectives are met in accordance with the Strategic Risk Management Checklist.

ASSET MANAGEMENT IMPLICATIONS

To be addressed on a project by project, activity by activity basis.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

34/15 Moved Cr Mathwin, seconded Cr Benn that the Strategic Plan 'Strategic Directions 2015-2020' of the Southern Link Voluntary Regional Organisation of Councils as tabled be endorsed.

CARRIED 8/0

13.3 SOUTHERN LINK VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (VROC) – LOCAL LAW REVIEW

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Thursday, 26 February 2015
FILE NO: GR.LRL.2
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

To inform Council of Southern Link Voluntary Regional Organisation of Councils (VROC) intention to review Local Laws in collaboration which was endorsed at the full VROC meeting held at Kojonup on 25 February 2015.

BACKGROUND

The *Local Government Act 1995* requires that a Council must, eight years after adoption of any Local Law, review the local law to ensure that it still remains current.

Through the VROC meetings an opportunity was identified to undertake this mandatory review of Local Laws collaboratively. WALGA offer a suite of templates for Local laws which can be changed to suit local conditions and offer uniformity where required to the four VROC member councils.

COMMENT

The first stage of the collaborative review of local laws is to review, identify, compare, seek public comment and develop actions. Council and Officers will participate in this process following which further reports will be submitted to each member council who in turn can determine by resolution whether or not the local law should be repealed, amended or a new local law adopted.

The following table identifies each member Council's Local Laws:

Plantagenet	Broomehill-Tambellup	Cranbrook	Kojonup
Activities in Thoroughfares and Public Places and Trading Local law	Activities on Thoroughfares Local Law	Activities in Thoroughfares and Public Places and Trading Local law	Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law
Bushfire Brigade Local Law		Bushfire Brigades Local Law	
Cemeteries Local Law	Cemeteries Local Law	Cemeteries Local Law	Cemeteries Local Laws
Dogs Local Law	Dogs Local Law	Dogs Local Law	
Extractive Industry Local Law	Extractive Industries Local Law		
Health Local Law	Health Local Law	Health Local Laws	Health Local Laws
	Fencing Local Law		
Landfill and Transfer Station Local law			
Local Government Property Local Law	Local Government Property Local Law	Local Government Property Local Law	Local Government Property Local Law
Parking and Parking Facilities Local Law			
Pest Plants Local Law	Pest Plants Local Law		
Standing Orders Local Law	Standing Orders Local Law	Standing Orders Local Law	Standing Orders Local Law
	Removal of Refuse, Rubbish and Disused Materials Local Law		
	Waste Services Amendment Local Law		
	Waste Services Local Law		

To commence the review process Councils are required to advertise state-wide their intention to review the local laws. As a collaborative approach is proposed within the VROC, joint advertising will be undertaken.

CONSULTATION

VROC CEOs have previously discussed the proposal to undertake a review of Local Laws in a collaborative manner. Discussions have also been held with a representative from WALGA.

STATUTORY REQUIREMENTS

Local Government Act 1995 – Section 3.16.

3.16. Periodic review of local laws

- (1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.
- (2) The local government is to give Statewide public notice stating that —
 - (a) the local government proposes to review the local law; and

- (b) a copy of the local law may be inspected or obtained at any place specified in the notice; and
 - (c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.
- (2a) A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.
- (3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.
- (4) When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.
- * Absolute majority required.*
[Section 3.16 amended by No. 64 of 1998 s. 7; No. 49 of 2004 s. 24.]

POLICY IMPLICATIONS

There are no policy implications for this report other than trying to identify and establish achievable and realistic Local Laws for the benefit of the member Councils.

FINANCIAL IMPLICATIONS

There will be a requirement for VROC CEO's and officers to allocate time towards the review process which is incorporated in current budget allocations.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic 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

Strategy 1.1.3.1 – Explore shared service options with neighbouring Local Governments to improve efficiencies

Strategy 1.1.3.2 – Participate as an active partner in the Southern Link VROC

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

RISK MANAGEMENT IMPLICATIONS

Undertaking the collaborative review will enable each Council to determine “Fit for Purpose” aspects of each Local Law, relevance, enforceability and gaps thereby reducing reputational risk for outdated Local Laws or lack of uniformity.

ASSET MANAGEMENT IMPLICATIONS

To be addressed on a project by project, activity by activity basis.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

35/15 Moved Cr Benn, seconded Cr Trethowan that Council endorse a collaborative approach to a review of Local Laws of each Southern Link Voluntary Regional Organisation of Councils (VROC) member Council.

CARRIED 8/0

13.4 KOJONUP MAIN STREET RENEWAL STRATEGY

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Tuesday, 3 March 2015
FILE NO: FM.TND.2
ATTACHMENT: 13.4 Kojonup Main Street Renewal Strategy (Hames Sharley)

DECLARATION OF INTEREST

Nil

SUMMARY

To receive and consider the contents of the Kojonup Main Street Renewal Strategy prepared by Consultant - Hames Sharley.

BACKGROUND

Hames Sharley were appointed to undertake the development of the Main Street Master Plan following interviews conducted 24 & 25 February 2014, Refer Council Decisions 202/13 and 15/14.

The Renewal Strategy and Development Plan upon completion aims to provide a realistic, measured and achievable approach to not only improving the visual amenity of the Main Street, but also:-

- Enhance safety and functionality between pedestrians and vehicles;
- Develop crucial links within the commercial precinct for existing/future growth;
- Establish links with The Kodja Place, Apex Park/Potts Memorial/RSL, Shire Offices/Civic Centre;
- Define and improve off-street parking/community space;
- Enhance signage/street furniture;
- Encompass and promote Historical/Cultural values.

COMMENT

Hames Sharley in conjunction with Council undertook extensive community engagement conducting Breakfast and Public Forums, Visioning Workshops, Surveys and site visits and the outcome of these consultation events and activities has been well captured in the final document by listing Opportunities and Challenges and Concept Developments that can be addressed short, medium and long term.

There are of course still some unknowns that require further consideration as listed in the section – Community Feedback. For example: Main Roads planning in respect of Heavy Vehicles. Council shares community frustration that despite years of discussion with Main Roads no definitive detour route has been forthcoming in order to assist Council with its long term planning.

Completion of the Main Street Renewal Strategy is not the end of process but the commencement of a staged approach in realising economic activation, investment attraction, spatial planning, social drivers and environmental considerations that has majority community support as the Strategy reflects community feedback.

Council can now prepare funding applications based on the Renewal Strategy for specific precincts that collectively over the next 20 years will achieve the aims of Council and the Community including investors and visitors. The funding assistance provided via the Great Southern Development Commission has enabled Council and the community to achieve a very realistic and targeted Kojonup Main Street Renewal Strategy.

CONSULTATION

Council Briefing Sessions
Senior Management
Main Street Master Plan – Public Forums
The Kojonup News

Great Southern Development Commission

STATUTORY REQUIREMENTS

Compliance with the terms and conditions of the Regional Grants Scheme Agreement.

POLICY IMPLICATIONS

Council in determining an economic development strategy will need to review existing Policy 3.2 to ascertain the appropriateness of development incentives for building, planning fees and rates.

FINANCIAL IMPLICATIONS

Financial Planning is critical in achieving short, medium and long term targets for the Main Street Renewal Strategy. The purchase of strategic properties at 101 and 133-135 Albany Highway together with the rationalisation and consolidation of other Council owned properties and accessing external funds will determine the timing of works and achievement of key strategies that form part of the Master Plan.

Council has commenced a new and exciting journey that is factored into our Integrated Planning.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013-2023

Focus Area 7 – Supporting Main Street

Corporate Business Plan 2013-17

Strategy 1.7.1.2 – Undertake a study to identify the opportunities to enhance the main street, taking into account current and future uses.

RISK MANAGEMENT IMPLICATIONS

Strategic planning, business development and problem solving will have an impact on the Shire as it currently operates.

This role is very different to the operational role which is about following the approved course once approved, and ensuring the goals and objectives are met in the most efficient and effective manner.

To be able to separate the strategic risks from operational risks Council has to determine if the issues at hand is in a planning phase or already delegated and implemented. From the implementation point, strategic risk management activities become about monitoring and review, both during the implementation process and on completion of the activity or project.

Managing Risk in Strategic Planning

- Review current plans
- Review projects or activities not yet delegated or implemented against current risk radar
- Determine 'risk' owners
- Determine current business / strategic risks
- To identify business risk exposure / profile
- To determine Senior Management Team (SMT) strategic risk portfolio owner
- Analyse risks against tolerance and risk appetite
- Determine treatments
- Develop / implement the strategic risk register
- Identifying Strategic Risks that are currently facing an Organisation
- Conduct a brainstorm session for issues facing Council / SMT
- Determine whether they are strategic or operational
- Determine priority for strategic risk assessment
- Work through risk assessment process for top risks
- Document remainder for future assessment
- Compile Strategic Risk Register

Where to apply risk management in the strategic context

- Changes or innovations - existing, enhanced or new services
- Facilities
- Compliance
- Legislation and Liability
- Corporate Governance
- Finances
 - Long Term Financial Plan
 - Investments
 - Credit
 - Annual Budgets
- Human Resources
 - Skills and knowledge
 - Availability
 - Affordability
 - Recruitment and Retention
- Reputation
- Representing best interests of your community
- Sustainability
- Achievability of projects
- Affordability of activities / strategies
- Business Continuity
- Critical functions identified
- Contingency plans
- Joint Ventures / Services
- Due Diligence
- Common Interests
- Common goals and objectives
- Approved Memorandum of Understandings / Service Agreements
- Assets
 - Asset Management Policy
 - Asset Improvement Strategy
 - Whole of Lifetime Financial Plan
- Environment
- Damage
- Enhancement
- Legislative breaches
- Professional Indemnity
 - Ensuring staff are qualified to make the decisions
 - Professional advice from a reliable source
 - Determining if there is a potential for liability

ASSET MANAGEMENT IMPLICATIONS

The objective of asset management is to meet a required Level of Service in the most cost effective manner through the integrated management of assets for present and future customers.

The benefit to both the Council and the community of improved asset management are:

- Strong governance and accountability of 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 community expectations; and
- Effective risk management.

Meeting the above objectives will be fundamental in any activity or project undertaken as part of the Main Street Renewal Strategy.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

36/15 Moved Cr Sexton, seconded Cr Pritchard that Council:

- 1. receives the Kojonup Main Street Renewal Strategy (Hames Sharley); and**
- 2. the CEO be requested to make provision in the 2015/2016 Budget to investigate options a, b and c including funding applications from external sources.**

CARRIED 8/0

The Chief Executive Officer stated that if Councillors had any suggested amendments to the Kojonup Main Street Renewal Strategy document from Hames Sharley they could submit their suggestions to him by the end of the week to allow Hames Sharley to amend.

13.5 SOUTHERN DIRT INC. – MEMORANDUM OF UNDERSTANDING (MOU)

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Friday, 6 March 2015
FILE NO: EM.PRG.3
ATTACHMENT: 13.5 Memorandum of Understanding (MOU)

DECLARATION OF INTEREST

Nil

SUMMARY

To receive and adopt a Memorandum of Understanding between the Shire of Kojonup and Southern DIRT Inc.

BACKGROUND

As part of the Contract, Leases and Agreements review undertaken by staff there did not appear to be any formal documentation recognising the present contribution made to Southern DIRT Inc. other than inclusion in the annual budget.

COMMENT

The purpose of this Memorandum of Understanding (MOU) is to formalise a cooperative partnership whereby the Cropping, Livestock, Natural Resource Management (NRM) and Community values of both Southern DIRT Inc. and the Shire of Kojonup compliment the strategic objectives of attracting research, developing and extending opportunities that enhance economic, environmental, cultural and social outcomes within the Shire and Great Southern Region.

For example Southern DIRT Inc. will:

- Work collaboratively with Council to develop a Shire Climate Change Policy; and
- Assist the Shire develop management plans for Myrtle Benn, Farrar Reserve, Quin Quin Reserve etc.

CONSULTATION

Council Briefing Session – Leases Contracts and Agreements Review
Senior Management
Southern DIRT Inc.

STATUTORY REQUIREMENTS

Ensure arrangements between the Shire and Southern DIRT Inc. are appropriately documented providing transparency and accountability in respect to annual budget considerations and tasks/functions/activities that are mutually beneficial in achieving Natural Resource Management outcomes within the Shire of Kojonup.

POLICY IMPLICATIONS

The Memorandum of Understanding establishes a more formal understanding between both parties and expectations/outcomes required.

FINANCIAL IMPLICATIONS

Total Budget Allocation 2014/2015 = \$26,000

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013-2023

Focus Area 1.2: “Feeling Good about Living in Kojonup” recognises the importance of Agriculture and Natural Resource Management by stating:

“As a community dependent on agricultural industries, managing the risks associated with climate change is important to protecting our rural lifestyle. Changes in rainfall reliability, reduced water

supply, increased fires and drought may be common in a future where the climate is less predictable.”

Corporate Business Plan 2013-2017

Strategy 1.2.2: Support natural resource management by funding locally based production management organisations. This is presently achieved by allocating \$20,000 per annum to Southern DIRT Inc. towards operational costs in addition to rental of premises situated at 107B Albany Highway.

RISK MANAGEMENT IMPLICATIONS

It is essential that any assistance/support provided to community groups and organisations is capable of being measured and withstand public scrutiny. Possession of the MOU assists both parties establish realistic criteria on which outcomes can be measured and reported against.

ASSET MANAGEMENT IMPLICATIONS

Council is providing rental assistance for the office situated at 107B Albany Highway which is owned by a third party. As part of Councils ongoing Asset Management considerations a determination will need to be made regarding rationalization and/or consolidating activities within existing Council owned premises.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council adopts the Memorandum of Understanding as tabled formalising existing and future arrangements between Southern DIRT Inc. and the Shire of Kojonup.

COUNCIL DECISION

37/15 Moved Cr Radford, seconded Cr Pritchard that Council adopts the Memorandum of Understanding formalising existing and future arrangements between Southern DIRT Inc. and the Shire of Kojonup as tabled, subject to the following changes:

- **Item 5.3.7 – delete the word “prior”;**
- **Item 5.3.8 – delete “during” and replace with “between”;**
- **Item 5.3.9 – reword to read “obtaining permission from both the owner and Council.”;**
- **Item 5.4.2 – insert the word “to” after the word “activities”; and**
- **Item 6.1 – delete the words “that aims” and “and”;**

CARRIED 8/0

REASON FOR CHANGE: The Council felt the grammatical errors needed to be corrected.

SHIRE OF KOJONUP

and

SOUTHERN DIRT

MEMORANDUM OF UNDERSTANDING

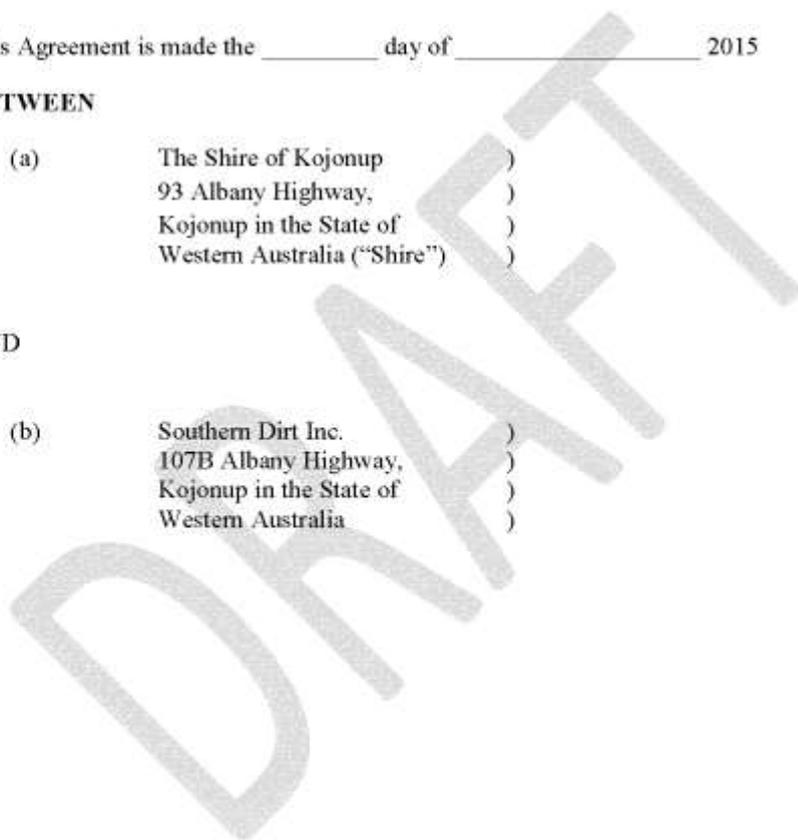
This Agreement is made the _____ day of _____ 2015

BETWEEN

- (a) The Shire of Kojonup)
 93 Albany Highway,)
 Kojonup in the State of)
 Western Australia (“Shire”))

AND

- (b) Southern Dirt Inc.)
 107B Albany Highway,)
 Kojonup in the State of)
 Western Australia)



1. WHAT IS A MEMORANDUM OF UNDERSTANDING (MOU)?

A MOU is a document that expresses mutual agreement on an issue between two or more parties. A MOU is generally considered to be ‘an agreement to agree’ or an agreement to enter into a more specific and comprehensive contract or agreement at a later time after further negotiations.

A MOU will typically establish a framework for the collaboration between the organisations and express the common goals or vision of the parties to the MOU. In general, a MOU will not deal with the specific details and has the substance of a ‘high level’ agreement.

The fact that the parties may have intended to enter into a binding contract will not make it enforceable if it is too uncertain or incomplete. If the intent is to enter into an arrangement that is legally binding on the other party, a MOU is not a suitable arrangement and the Shire should consider entering into a contractual agreement.

2. PURPOSE OF THE MEMORANDUM OF UNDERSTANDING

The purpose of this Memorandum of Understanding (MOU) is to establish a cooperative partnership arrangement whereby the Cropping, Livestock, Natural Resource Management (NRM) and Community values of both Southern Dirt Inc. and the Shire of Kojonup compliment the strategic objectives of attracting research, developing and extending opportunities that enhance economic, environmental, cultural and social outcomes.

3. AIMS AND OBJECTIVES OF SOUTHERN DIRT INC.

Southern DIRT is a member-based grower group founded in 2010. The Southern DIRT Strategic Plan 2012-2015 states its vision “*To grow the productivity and profitability of mixed farming in the southern region of western Australia*”. The aims of the group are:

- To attract resources, research and extension targeted to the mixed farming area
- To share knowledge and support members to realise profit in their farming systems
- Contribute to our local communities

Southern DIRT supports and promotes sustainable agricultural practices, thereby protecting natural resources and systems, securing profitable, sustainable farming businesses which will in turn support strong vibrant communities.

4. AIMS AND OBJECTIVES OF THE SHIRE OF KOJONUP

The Shire of Kojonup – Community Strategic Plan 2013-2023 Focus Area: “Feeling Good about Living in Kojonup” recognises the importance of Agriculture and Natural Resource Management by stating:

“As a community dependent on agricultural industries, managing the risks associated with climate change is important to protecting our rural lifestyle.”

Changes in rainfall reliability, reduced water supply, increased fires and drought may be common in a future where the climate is less predictable.”

The Shire’s commitment in the short term as per Corporate Business Plan 2013-2017 Strategy 1.2.2:

- Support natural resource management by funding locally based production management organisations. Presently achieved by allocating \$20,000 per annum to Southern Dirt Inc. towards operational costs in addition to rental of premises situated at 107B Albany Highway.

Total Budget Allocation 2014/2015 = \$26,000

- Explore opportunities within a regional framework to improve the use of waste water and stormwater for gardens, ovals and other recreation areas. Presently achieved through the Southern Link Voluntary Regional of Council’s (VROC) successful application for Country Local Government Funds enabling water storage facilities at the Kojonup Showgrounds and Turkey Nest Dam to be upgraded and underground water piping installed linking recreation and reserves areas.

5 AGREEMENT – Shire of Kojonup

The Shire of Kojonup shall:

- 5.1 Ensure that a Tenancy Agreement between the Shire and owners of 107B Albany Highway, Kojonup is prepared and registered for an initial period of three (3) years.
- 5.2 Pay monthly rental as mutually agreed between the Shire and owners of 107B Albany Highway, Kojonup on behalf of Southern Dirt Inc.
- 5.3 Ensure that Southern Dirt Inc. as the Tenant of 107B Albany Highway, Kojonup carries out the following functions and obligations:
 - ◆ To pay all telephone rent and charges specifically related to Southern Dirt Inc.;
 - ◆ To pay all electricity for the office area occupied by Southern Dirt Inc. in respect to lighting, heating and power outlets;
 - ◆ To pay for all consumables and contents insurance as deemed necessary;
 - ◆ To keep the said premises in a clean and sanitary condition that is free from dirt and vermin;
 - ◆ To use the said premises as the formal office of Southern Dirt Inc. and not to sublet the premises;
 - ◆ To notify the property owners immediately of any damage or defect in/to the said premises or fixtures;
 - ◆ To permit the owner entry to inspect the premises and carry out repairs, renovations or replace any parts thereof, prior to issuing satisfactory prior notice of no less than 24 hours to the Tenant;
 - ◆ The Tenant shall allow the owner to enter and inspect the premises during 7am and 6pm, Monday to Friday unless a public holiday; and
 - ◆ The Tenant is not permitted to carry out any repairs, modifications or renovations without obtaining both the owner and Council permission.

Licensed trades must carry out work to the agreed satisfaction of the owner and Council.

- 5.4** Work collaboratively with Southern Dirt Inc. in an attempt to:
- 5.4.1 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.
 - 5.4.2 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.
 - 5.4.3 Collaboration and Capacity Building**
Actively participate and promote sustainable NRM including education, research and policy development programs, on ground projects, and funding opportunities.
 - 5.4.4 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.
 - 5.4.5 Leadership and Responsibility**
Develop and implement Best Management Practices (BMPs) for Shire activities to improve the Environmental performance of the organisation.

6 AGREEMENT - Southern Dirt Inc.

Southern Dirt Inc. shall:

- 6.1 Work collaboratively with the Shire of Kojonup in an attempt to develop an effective partnership that aims to meet the strategic aims and objectives of both parties and as listed in 5.4 above.
- 6.2 Adhere to Tenancy Agreement at 107B Albany Highway, Kojonup.
- 6.3 Explore opportunities to integrate Southern Dirt Inc. Office and operational activities and requirements within existing Council owned property or future centralisation into a Community Centre as part of the adopted Main Street Master Plan.

6.4 Maintain its strategic direction, as determined by its members and Board, with a regional focus on agricultural production.

6.5 Any other matters as mutually agreed.

7.0 VARIANCE, REVIEW OR TERMINATION OF MOU

The MOU to be reviewed annually in March with any changes required to the MOU to be formally ratified by each party prior to 30 June.

Should either party wish to terminate the MOU prior to the 3 year period, written notice within 30 days is required or a formal Deed of Termination executed.

8.0 EXECUTION

The Shire of Kojonup AND Southern Dirt Inc. acknowledge below their acceptance of the obligations and responsibilities of this Memorandum of Understanding.

On behalf of Southern Dirt Inc.

Signed: _____ Signed: _____

Name: _____ Name: _____

Date: _____ Date: _____

and

On behalf of the Shire of Kojonup
(Executed by Resolution of Council No: ____/____)

Signed: _____ Signed: _____

Name: _____ Name: Rick Mitchell-Collins

Position: _____ Position: Chief Executive Officer

Date: _____ Date: _____

14 COMMITTEES OF COUNCIL

14.1 KOJONUP BUSH FIRE ADVISORY COMMITTEE

COUNCIL DECISION / OFFICER RECOMMENDATION

38/15 Moved Cr Benn, seconded Cr Sexton that the attached unconfirmed minutes of the Kojonup Bush Fire Advisory Committee held Monday 9th February 2015 be received by Council.

CARRIED 8/0

14.2 KODJA PLACE ADVISORY COMMITTEE

COUNCIL DECISION / OFFICER RECOMMENDATION

39/15 Moved Cr Mathwin, seconded Cr Benn that the attached unconfirmed minutes of the Kodja Place Advisory Committee held Thursday 19th February 2015 be received by Council.

CARRIED 8/0

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

Nil

16 **NEW BUSINESS**

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

Nil

17 CONFIDENTIAL REPORTS**17.1 CONTRACT OF SALE – PROPOSED LOT 42 THORNBURY CLOSE, KOJONUP**

AUTHOR: Anthony Middleton – Manager of Corporate Services
 DATE: Monday, 9 March 2015
 FILE NO: CP.LEA.1, A13540 & A22323
 ATTACHMENT: **17.1 Confidential Report & Attachments**

SUMMARY

To consider the Council's intentions on a 1998 proposal to sell a small South-East portion (proposed Lot 42) of Lot 9999 Thornbury Close, 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

COUNCIL DECISION / OFFICER RECOMMENDATION

40/15 Moved Cr Trethowan, seconded Cr Benn that the meeting be closed to the public at 3.50pm in accordance with s5.23 of the *Local Government Act 1995* to discuss:
(a) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

CARRIED 8/0

3:51pm Mr Mort Wignall left the Chamber.

COUNCIL DECISION / OFFICER RECOMMENDATION

41/15 Moved Cr Sexton, seconded Cr Pedler that, in regards to the 1998 contract to sell a portion of Lot 9999 Thornbury Close to Anthony John Swinburne and Jillian Dianne Johnson for the sum of \$9,500:

- 1. No further action be taken towards executing this contract; and**
- 2. Colleen Matthews and Craig Mitchell be advised that the Council has no interest in selling the proposed Lot 42, however, will ensure appropriate buffer strips are located in future development of Lot 9999 Thornbury Close in accordance with the current zoning.**

CARRIED 7/1

COUNCIL DECISION / OFFICER RECOMMENDATION

42/15 Moved Cr Sexton, seconded Cr Benn that the meeting be reopened to the public at 4.04pm.

CARRIED 8/0

18 **NEXT MEETING**

Tuesday, 21st April 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 4:04pm.

20 **ATTACHMENTS (SEPARATE)**

- Item 10.1 Monthly Statement of Financial Activity – January 2015
- Item 10.2 Monthly Payment Listing 01/02/2015 – 28/02/2015
- Item 10.4 Monthly Statement of Financial Activity – February 2015
- Item 10.5 2014/2015 Budget Review
- Item 10.6 Annual Report 2013/2014
- Item 13.2 Southern Link VROC Strategic Directions (2015-2020) Final Draft December 2014
- Item 13.4 Kojonup Main Street Renewal Strategy (Hames Sharley)
- Item 14.1 Unconfirmed Kojonup Bush Fire Advisory Committee Minutes – Monday 9th February 2015
- Item 14.2 Unconfirmed Kodja Place Advisory Committee Minutes – Thursday 19th February 2015
- Item 17.1 Confidential Report & Attachments

Presiding Member

Date