

SHIRE OF KOJONUP



Council Minutes

18th November 2014

SHIRE OF KOJONUP**MINUTES FOR THE COUNCIL MEETING HELD ON 18th November 2014****TABLE OF CONTENTS**

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20 ATTACHMENTS (SEPARATE)

85

MINUTES

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

The Shire President declared the meeting opened at 3:00pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points and draw the meetings attention to the disclaimer below:

Disclaimer

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

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

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

2 **ATTENDANCE & APOLOGIES**

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
Mrs Michelle Dennis	Development Services Coordinator
Mr Phil Shephard	Town Planner
Miss Dominique Hodge	Personal Assistant to the CEO
Mr Robert Cowie	Administration/Regulatory Officer

Members of the Public	11
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APOLOGIES

Nil

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

Nil

4 PUBLIC QUESTION TIME

4.1 Kerryn Mickle – Elders Kojonup – Saleyards

Outlined stakeholder meeting that occurred on Thursday 6 November, discussing issues such as biosecurity and the standstill livestock policy. Department of Agriculture & Food has an unreasonable expectation. If the saleyards were to close there will be an expectation of other yard owners in the industry such as abattoirs to handle the stock. The issue of biosecurity will still remain. Role of small yards in industry is critical. John Barden stated he had seen worse and better yards. Do not see welfare issues at the style of sale in Kojonup, it is a high quality style of sheep and a premium sale. Kojonup does not have issues like at Katanning. Department of Environment & Regulation (DER) is quite helpful and applying for a licence is not to be feared. DER is open to help the Shire look at other avenues. The agenda item 12.1 states there is no funding available. There is funding available from the Livestock & Rural Transport Association of WA Inc. which has not been investigated properly yet. Questioned the inaccuracy of sheep numbers through the yards in the agenda item 12.1. Stated the three council reports regarding the Saleyards have all been different. Ms Mickle read through Elders records and stated that Elders have been the only agent apart from last year to hold a sale, so wondering where the figures came from.

The Shire President asked if the figures just read aloud were at one sale or one calendar year.

Ms Mickle responded it was per sale and only had one per year. She also stated that the Saleyards were getting caught up with the ponds issue from the truck wash down bay. Ms Mickle was concerned that there is a \$20,000 budget for a property that doesn't have any power. Stated that people do not like sales in other areas. Elders premium sales are a part of the Kojonup brand. Elders record 60-80 registrations at the sale of interested buyers, which means approximately 150 people are attending the sales in the town and will spend money elsewhere. Codes of practice attached to the agenda do not address Kojonup yards.

Ms Mickle questioned that it does not make sense to remove the yards because of the cost of the Environmental Protection Authority. What is the reason for removing the saleyards? Can the Shire state that this land would not be used for anything other than agriculture in the future?

The Shire President took the questions on notice and stated that this was a case of looking at the Shire's assets and not for any other reason.

4.2 Frank House – WA Farmers Blackwood Zone – Saleyards

Mr House asked the Council to consider the future of the saleyards. Kojonup is completely different from Katanning which holds sales every week, Kojonup only holds two or three sales per year. The only pollution is the sheep manure, there is no asbestos. Sheep manure has been used in people's gardens for years and has not been a health risk. Strong healthy sheep are being brought in to Kojonup to sell. Kojonup has a good asset in the yards and pulling them down is a bad idea. Cost estimate to obtain the licence is \$18,650 and Caron Goodburn stated that these costs could be reduced by 'in-house' measures. After the stakeholder meeting on Thursday 6 November, a site visit was conducted at the saleyards site and there was very little run off even after rain the weekend before. There was no polluted water. Caron Goodburn asked during the site visit when the yards were last cleaned out, it was stated they do not get cleaned out. Kojonup hosts a breeder's sale and the best healthiest stock are put in. All sheep are trucked out on the same day as the sale and on the odd occasion some stay the night. John Barden (inspector) said the yards are okay and animal welfare is not an issue. Mr House stated that a portable toilet and rubbish bins could be taken to the sales to address the Occupation Health & Safety problems. There has been no serious accidents at the saleyards in the last 10 years at least. Biosecurity – footrot is increasing, Kojonup is much safer than Katanning. Sales put Kojonup on the map. In 'The Farm Weekly' it shows the sales coming up there is 4,330 coming up in Katanning and 9,000 in Kojonup. Ratepayers are making money out of the yards. The yards should stay, this should be not a proposition to remove

the yards. In the future DER regulations may vary. More sheep may be sold on farm but sheep will still come in to the yards. Dale Park from WA Farmers said it was clear the DER is not going to make it hard for agriculture. Urged the Council to have a good hard look and do something.

4.3 Brendon Thomson – Loton Close Guided Development Plan

Lived at Lot 9 Soldier Road for 24 years and now the block above theirs is proposed to have aged homes put there, Pam and Brendon have not opposed the fact there is going to be aged care homes there but the way the plan is set out joins their north boundary. Proposing a buffer zone above their property and that the homes are strictly for aged care people who are 55 years or over if they are built. They wish to keep their lifestyle block as they originally bought it. Doesn't want just anybody living next door and wants to prevent being hemmed in. Asked Council to please give consideration to that. Mr Thomson queried the drainage, out on the main bitumen road there needs to be drainage and concrete paths. When the bitumen roads went through there they should have excavated the land out but rather built the land up for the road. The road verge is higher than Thomson's block, so if there is a massive flood, drainage goes into their block and needs to be diverted somewhere else. Could there be a negotiated colourbond fence above their house for privacy? Core of this is to maintain privacy. Does not want to stop progress in aged care. Request something back in writing.

Shire President queried whether the main road Mr Thomson was talking about was Soldier Road?

Mr Thomson confirmed yes it was Soldier Road.

5 PETITIONS, DEPUTATIONS & PRESENTATIONS

The Shire President stated that this item had been allowed during public question time.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

ORDINARY MEETING 21st October 2014

COUNCIL DECISION

166/14 Moved Cr Fleay, seconded Cr Sexton that the Minutes of the Ordinary Meeting of Council held on 21st October 2014 be confirmed as a true record subject to the following change:

Deleting the text on Page 32, between

“Cr Trethowan declared a financial interest and left the Chambers.”

And

“3:41pm The Shire President adjourned the meeting to allow the Shire President, Deputy Shire President and Manager of Corporate Services to contact the Department of Local Government & Communities for further clarification on the declarations of interest matter.”

CARRIED 8/0

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

Two Kojonup residents received Australian Citizenship yesterday. Jean Daly and Andy Galloway – the Shire President congratulated them on their decision to become citizens which they did in a private ceremony on Monday 17th November 2014.

9 **DECLARATIONS OF INTEREST**

iPad - Item 10.10 – Councillors Fleay, Sexton, Mathwin, Pedler, Trethowan, Pritchard and Radford all declared an interest in this item prior to the meeting and special approval was granted from the Department of Local Government & Communities for them to be present when this item was considered.

Cr Benn declared an interest at the meeting and removed himself from the room when the meeting reached Item 10.10.

Saleyards - Item 12.1 – Councillors Fleay, Sexton, Trethowan, Radford, Mathwin and Benn have all declared a previous interest in this item and were granted special approval from the Department of Local Government & Communities for them to be present when this item was considered.

Cr Pedler declared a financial interest in Item 12.3.

Cr Mathwin declared a proximity interest in Item 13.3 as she lives on Pensioner Road.

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

AUTHOR: Anthony Middleton – Manager Corporate Services
DATE: 12 November 2014
FILE NO: FM.FNR.2
ATTACHMENT: 10.1 Monthly Statement of Financial Activity

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to note the Monthly Financial Statements for the period ending 31 October 2014.

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 October 2014 represents four (4) months, or 33% of the year. The following items are worthy of noting:

- Surplus position of \$2.42m;
- 48% of budgeted operating revenue has been received and 28% of budgeted operating expenditure (excludes depreciation) has been spent;
- 18.9% of total rates collectable are outstanding (this figure includes previous years arrears but excludes deferred rates); and
- Cash holdings of \$5.46m of which \$3.32m 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.

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

COUNCIL DECISION / OFFICER RECOMMENDATION

167/14 Moved Cr Trethowan, seconded Cr Pritchard that the monthly financial statements for the period 1st July 2014 to 31 October 2014, as attached, be noted.

CARRIED 8/0

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Brodie Hueppauff – Finance Officer
DATE: Monday, 10 November 2014
FILE NO: FM.AUT.1
ATTACHMENT: 10.2 Monthly Payment Listing 01/10/2014 – 31/10/2014

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments covering the period 1st October 2014 to 31st October 2014.

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

168/14 Moved Cr Sexton, seconded Cr Mathwin that in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority from 1/10/2014 to 31/10/2014 comprising of Municipal Cheques 13233 to 13258, EFT's 12801 to 12983 and Direct Debits 16729.1 to 281014 totalling \$866,967.56 and as attached to this agenda, be received.

CARRIED 8/0

10.3 CREDIT CARD USAGE – DRAFT COUNCIL POLICY

AUTHOR: Anthony Middleton – Manager of Corporate Services
DATE: Friday, 7 November 2014
FILE NO: FM.BNK.2
ATTACHMENT: 10.3 Draft Council Policy – Corporate Credit Cards

DECLARATION OF INTEREST

Nil – however, the author and the Chief Executive Officer currently have corporate credit cards and adoption of this policy by the Council will govern usage of these credit cards.

SUMMARY

The purpose of this report is to consider a draft policy governing the usage of corporate credit cards and to make recommendation to the Council on the same.

BACKGROUND

There are presently two corporate credit cards in operation, held by the Chief Executive Officer and the Manager of Corporate Services. Both of these cards have a \$10,000 credit limit.

The Audit Committee considered this item at its meeting held on 4 November 2014 and resolved as follows:

‘that it be recommended to the Council that the attached draft policy on ‘Corporate Credit Cards’ be adopted as amended at the meeting.’

The attached draft as recommended for adoption has been updated to incorporate the Audit Committees amendments made at the meeting.

COMMENT

It is proposed to expand the holding of these cards to the following Officer’s and that each card have a \$3,000 credit limit:

- Chief Executive Officer
- Manager of Corporate Services
- Manager of Works & Services
- Manager of Regulatory & Community Services
- Manager of Aged Care Services.

There is presently no Council Policy or guidelines relating to the usage of credit cards, although a policy does exist regarding ‘purchasing & creditor control’. The Council’s Auditors have recommended that a policy be adopted and therefore a draft is presented for the Audit Committee’s consideration.

The Committee has requested that the usage of fuel cards be incorporated into the attached draft, however, further investigations is being undertaken in this area.

CONSULTATION

Audit Committee.

STATUTORY REQUIREMENTS

Sections 2.72 and 6.5 of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* regulation 11 apply to this item as outlined within the attached draft policy.

POLICY IMPLICATIONS

This item recommends the adoption of a new Council policy. Council Policy ‘Purchasing & Creditor Control’ is also applicable.

FINANCIAL IMPLICATIONS

This item incorporates a financial management system and process - the recommendation does not in itself have a financial impact.

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

The adoption of a policy in relation to the operation of credit cards minimises the exposure to risk.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the attached draft policy titled ‘Corporate Credit Cards’ be adopted.

COUNCIL DECISION

169/14 Moved Cr Mathwin, seconded Cr Radford that the attached draft policy titled ‘Corporate Credit Cards’ be adopted with the following change:

- **Chief Executive Officer’s credit limit be changed to the amount up to \$10,000.**

CARRIED 8/0

REASON FOR CHANGE: Council felt the Chief Executive Officer needed a higher credit limit for when attending conferences.

DRAFT COUNCIL POLICY - CORPORATE CREDIT CARDS

Objective

To establish the use of Corporate credit cards, and outline the responsibilities of card holders.

Policy Statement

Corporate credit cards can deliver significant benefits through improved administrative practices and more effective cash management. They can, however, also expose a local government to significant risks if not properly controlled. These risks can be minimised by implementing policies to control their use. Credit cards can be a more efficient purchasing method than that of formal methods in some circumstances and can reduce administration costs, and the need to carry cash.

It is important to have a communication strategy that informs new employees and reminds existing employees of the policies that govern the use of credit cards.

Legislation

The use of credit cards is not specifically mentioned in the *Local Government Act 1995*, however the following sections of the Act impact the use and control of corporate credit cards –

- Section 2.72(2) (a) and (b) requires the Council to oversee the allocation of the local governments finances and resources and to determine the policies of the local government.
- Section 6.5(a) requires the CEO to ensure proper accounts and records of the transactions and affairs of the local government are kept in accordance with regulations.

Local Government (Financial Management) Regulation 11(1) (a) requires local governments to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained.

The *Local Government Act 1995* does not allow for the issue of Corporate Credit Cards to elected members. There are no provisions within the Act which allow an elected member to incur a debt, as would be the case with a credit card.

General

Corporate Credit Cards shall only be issued to the Chief Executive Officer and Executive Managers.

Each officer shall sign an agreement which sets out the cardholders responsibilities and legal obligations when using the credit card –

- a register of all current cardholders shall be kept which includes card number, expiry date of the credit card, credit limit and details of goods and services the cardholder has authority to purchase;
- in the event of their employment ceasing, the cardholder is to immediately return the credit card for destruction, in accordance with employee termination procedures;
- if a card is lost or misplaced the cardholder shall notify the Chief Executive Officer immediately to enable the loss to be reported and to arrange a replacement card;
- credit cards should never be transferred to other users; and
- There will be no reward schemes (such as frequent flyer points) attached to the cards.

Purchasing

- Corporate credit cards are only to be used for purchasing goods and services on behalf of the local government which have been authorised in the current annual budget;
- Cardholders should ensure that suppliers record an adequate description of goods or services on the tax invoice to ensure appropriate levels of accountability. Appropriate documentation should be obtained to ensure that the purchase can be verified to the satisfaction of the CEO. Wherever possible, a tax invoice must be obtained;
- Cardholders must adhere to Council Policy 2.1.2 - Purchasing and Creditors Control;
- Personal expenditure is strictly prohibited, and disciplinary action may be taken;
- Cash withdrawals are not available on the cards;
- Each credit card provided shall have a maximum limit of \$3,000;
- Where a cardholder undertakes purchases by way of facsimile, telephone or over the internet a tax invoice or receipt is required in all circumstances and must contain details of the purchase;
- All invoices/receipts must be provided to the Senior Finance Officer as soon as practicable after the credit card purchase is made.

Payments

- On receipt of the monthly statement, the Senior Finance Officer will attach all invoices/receipts to the statement and assign GL/Job number allocations;
- The monthly credit card statement will be distributed to the respective cardholder to certify transactions;
- The monthly balance for each credit card will be recouped by direct debit from the Municipal Fund on the statement due date.

Australian Business Number (ABN)

Cardholders should remember that if a supplier does not have an ABN and Pay As You Go tax has not been withheld on the credit card statement, the local government is still liable to pay the corporate credit card provider the full amount and also the ATO, prevailing ABN Withholding Tax Rate (46.5% as at 1 July 2014) of the purchase price.

Guidelines for Use of Corporate Credit Cards

It is not proposed to list or describe every situation where the corporate credit card can or should be used but rather to provide general guidelines to be followed – senior officers should be scrupulous in the usage of corporate credit cards and always have appropriate documentation which can verify and justify the expenditure to the CEO.

Expenditure utilising the corporate credit card should, where possible, be kept to a minimum. The preferred method of purchasing goods or services is by using an official council purchase order in accordance with Council Policy 2.1.2. On occasion it is recognised that some goods cannot be purchased by order or because of circumstances (i.e. away from the office) it is more convenient to use the credit card.

Purchase of food, drink or other forms of entertainment should be restricted to officially sanctioned events such as –

- whilst travelling on council business – training, conferences etc;
- providing sustenance for councillors or staff;
- meals following council meetings;
- meals for emergency personnel during an emergency.

Appendix A – AUTHORITY FOR ISSUE OF CORPORATE CREDIT CARD

Name of Cardholder:	
Position:	
From:	Chief Executive Officer
Date:	

CORPORATE CREDIT CARD USER AGREEMENT

As the Chief Executive Officer, I have authorised the issue of a Shire of Kojonup Corporate Credit Card in line with your duties as a Council officer.

The following conditions apply –

1. You have been authorised a card limit of \$3,000.
2. All transactions are within allocation budget provisions.
3. All purchases to be in accordance with Council policy 2.1.2.
4. The card is issued in your name, however it is a corporate credit card and all transactions must be official transactions on behalf of the Shire of Kojonup. Under no circumstances must the card be used for private purposes.
5. At any time, the Chief Executive Officer can call an enquiry into the use of the card, and any findings of transactions that are unauthorised, excessive or unreasonable will result in disciplinary action.
6. The card must be kept in a safe place.
7. Under no circumstances will cash be withdrawn from the card.
8. All tax invoices and receipts must be kept to validate transactions. Note, a credit card statement or EFTPOS receipt is not acceptable (GST cannot be claimed as it does not meet GST requirements to claim a refund). Cardholders must ensure tax invoices and receipts contain the following –
 - i. Suppliers name;
 - ii. Suppliers ABN;
 - iii. Brief description of goods and services supplied;
 - iv. Identifies transactions where GST applies;
 - v. If the transaction relates to entertainment, the cardholder must document how many people they entertained, and the names of Council officers that attended (for FBT purposes)
9. Cardholders must mark next to all transactions the costing accounts and ensure all tax invoices and receipts are attached to the monthly statement. The cardholder must certify that the transactions on the statement are correct.
10. The Chief Executive Officer is to sign off on all credit card statements.
11. If the card is lost or stolen, you must immediately notify the Chief Executive Officer so the card can be cancelled and a replacement ordered.
12. If your employment is terminated, your card and all tax invoices must be submitted to the Chief Executive Officer in the last week of your employment.

I have read the above Corporate Card User Agreement and agree to abide by the conditions as detailed above.

Credit Card No: _____

Name: _____

Signature: _____

10.4 POLICY – REVIEW OF PURCHASING & CREDITOR CONTROL

AUTHOR: Anthony Middleton – Manager of Corporate Services
DATE: Monday, 10 November 2014
FILE NO: FM.POL.1
ATTACHMENT: 10.4.1 Existing Policy
 10.4.2 Proposed Policy

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to review the Council Policy in relation to ‘Purchasing and Creditor Control’.

BACKGROUND

The existing Council Policy is attached as attachment 10.4.1.

COMMENT

The attached proposed policy has been updated following a review of the requirements for each purchasing threshold and the format substantially changed to improve usability, and therefore compliance.

Purchasing is obviously an important financial function and the compliance with well-defined procedures and delegations is imperative. Significant staff education will be undertaken following this review to ensure wide acceptance and knowledge of the contents of the attached policy.

CONSULTATION

Senior staff and Corporate Services staff have been involved in the review of this policy.

STATUTORY REQUIREMENTS

There are numerous sections of the Local Government Act 1995, Local Government (Financial Management) Regulations and Local Government (Functions and General) Regulations that apply to this item. However, of most relevance is Local Government (Functions and General) Regulation 11A, which is as follows:

“11A. Purchasing policies

- (1) A local government is to prepare or adopt, and is to implement, a 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 or worth \$100,000 or less.
- (2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).
- (3) A purchasing policy must make provision in respect of —
 - (a) the form of quotations acceptable; and
 - (b) the recording and retention of written information, or documents, in respect of —
 - (i) all quotations received; and
 - (ii) all purchases made.
- (4) Different requirements may be imposed under a purchasing policy in respect of different classes, or types, of any of the following —
 - (a) goods and services;
 - (b) suppliers;
 - (c) contracts;

- (d) any other thing that the local government considers appropriate.”

Part 4A of the Local Government (Functions and General) Regulations legislates on ‘Regional Price Preferences’. Section 1.3.4 of the proposed policy deals with regional price preferences and requires four (4) weeks advertising of the adoption of (or amendment to) a regional price preference policy. Therefore the proposed policy will require advertising if amended as per the recommendation.

POLICY IMPLICATIONS

This item recommends modification to an existing Council Policy.

FINANCIAL IMPLICATIONS

This item details financial systems and processes to be used by 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

Robust systems and controls that integrate with delegations from the Council reduce the risks associated in the finance function of the Shire’s operations.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

170/14 Moved Cr Trethowan, seconded Cr Benn that:

- 1. The revised Council Policy 2.1.2, Purchasing and Creditor Control, as attached, be adopted; and**
- 2. The policy be advertised in accordance with Part 4A of the Local Government (Functions and General) Regulations.**

CARRIED BY ABSOLUTE MAJORITY

8/0

10.5 POLICY – REVIEW OF ‘SIGNS – ADVERTISING AT THE AIRPORT’

AUTHOR: Anthony Middleton – Manager Corporate Services
DATE: Monday, 10 November 2014
FILE NO: DB.BDA.9
ATTACHMENT: 10.5.1 Existing Policy

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to review the Council Policy ‘Signs – Advertising at the Airport’.

BACKGROUND

A copy of the current Council Policy is attached.

This policy permits up to fifteen (15) billboards to be located at the airport on a boundary, of which five (5) are to be reserved for ‘businesses or organisations whose principle place of operation is in the Shire of Kojonup or those who have a significant portion of their operation located in the Shire of Kojonup’.

COMMENT

The western boundary of the airport is approximately 1,600m in length and it is considered that fifteen (15) possible billboards along the boundary would result in a visual overload to the passing traveller. In addition, local usage of this advertising opportunity by Kojonup based businesses has been scarce, at a time when the Council is looking for opportunities to better promote the Shire of Kojonup and Kojonup generally.

Discussions held with representatives within the billboard advertising industry suggest that five or six billboards is the maximum number of advertising signs for this space. Presently six billboards are commercially occupied at an annual fee of \$1,800 and a seventh is utilised by ‘The Kodja Place’/World War 1 commemorative local promotions.

As such, it is considered that this policy be repealed and that Council utilise this land for the promotion of Kojonup, the Shire of Kojonup and local events. Should the Council agree with the recommendation, there will be steps required to implement this change, including fair notice being given to existing billboard users, in addition to the Shire budgeting funds for its own internal promotions. It is considered that this could be performed simultaneously with other similar ongoing projects, such as the development of a new Shire logo and style guide.

CONSULTATION

This item has been discussed in at least two briefing sessions in 2014.

STATUTORY REQUIREMENTS

Numerous legislation deals with roadside advertising, such as the Shire of Kojonup Town Planning Scheme, Road Traffic Act and CASA standards. These requirements will be considered with any developments into the future.

POLICY IMPLICATIONS

This items recommends deleting an existing Council Policy.

FINANCIAL IMPLICATIONS

Presently six billboards are commercially occupied at an annual fee of \$1,800, however, a potential revenue under the existing policy of \$24,545 (after GST) could be realized if all fifteen billboard sites were commercially rented. The recommendation would see this income foregone and additional expenditure incurred by the Shire of Kojonup to promote the District and local events.

STRATEGIC/CORPORATE IMPLICATIONS

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

Corporate Business Plan 2013-17

Strategy 1.1.4 Maintain robust systems and controls.

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

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications for this report.

ASSET MANAGEMENT IMPLICATIONS

There are presently no asset management implications for the Shire regarding this issue, however, if Shire owned promotional infrastructure is developed then additional assets, requiring maintenance and eventual replacement, will be purchased.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

1. Council Policy 1.5, 'Signs – Advertising at the Airport' be repealed;
2. It be the position of the Council that no further commercial advertising signage is to be erected on the airport site;
3. The Chief Executive Officer terminate existing advertising signage arrangements effective 30 June 2015; and
4. A further report be prepared for the Council detailing options for the coordinated promotion of Kojonup on the Western boundary of the Kojonup Airstrip, to be implemented in 2015/2016.

COUNCIL DECISION

171/14 Moved Cr Sexton, seconded Cr Benn that:

- 1. Council Policy 1.5, 'Signs – Advertising at the Airport' be repealed;**
- 2. That all North facing hoardings be retained for the promotion of Kojonup or Kojonup enterprises;**
- 3. A further report be prepared for the Council detailing options for the coordinated promotion of Kojonup on the Western boundary of the Kojonup Airstrip, to be implemented in 2015/2016.**

CARRIED 8/0

REASON FOR CHANGE: It was considered that point 4 of the recommendation would consider the proposed decisions in point 2 & 3 and therefore these points were not required.

1.5 SIGNS – ADVERTISING AT THE AIRPORT

Adopted or Reviewed by Council:	18/06/13	Council Minute Reference:	95/13
Reviewer:	Manager of Regulatory and Community Services		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

This policy aims to control the quantity, quality and appropriateness of advertising devices at the Shire of Kojonup Airstrip. It also proposes to control the impact of the advertising on the surrounding community and travellers alike.

POLICY

The Shire of Kojonup recognises that advertising is essential to the growth and success of businesses and is committed to assisting those businesses.

Businesses and/or organisations must first gain approval from Council before erecting a sign at the Airport. Signage impacts on both the natural and built environment and should therefore have significant controls in place in order to ensure that they do not impact negatively on the community.

All signage must be compliant with the Main Roads (Control of Advertisements) Regulations 1996, Council's Model Local Laws, the Building Code of Australia and any Requirements of the Shire of Kojonup Town Planning Scheme (as amended). The Shire of Kojonup is delegated authority by the Main Roads Department to approve category 2, 3 and 4 advertising sign devices.

Subject to Council Approval the following categories of advertising devices are permitted at the Airport:

- Billboards/Hoardings
- Pylon Signs

BILLBOARD SIGNS

A Billboard Sign is a large freestanding display surface, the width of which is greater than the height and which may be positioned on the ground or mounted on more than one vertical support.

Criteria:

- The area of a Billboard Sign must not be greater than 36m² per side, for a maximum of two sides.
- The maximum height of a Billboard Sign should be 7 metres above the ground.
- A Billboard Sign is to be mounted as a free-standing structure (which is subject to separate building approval).
- No Billboard Sign is to be located closer than one metre and no further than 10metres from the boundary of the site.
- The Billboard Sign is not permitted to be erected to expose an unsightly back view of the Sign to a road or other public place.
- A Billboard Sign is not to be located closer than 100 metres to each other.
- All signage to be non-reflective

PYLON SIGNS

A Pylon Sign is a large display surface the height of which is greater than the width and which may be positioned on the ground or mounted on one or more vertical supports.

Criteria:

- All criteria as per Billboard Signs

CATEGORY 4 SIGN

These devices are those which are referred to in the Regulations as "in the vicinity of" and are defined as those advertising devices which are beyond the boundaries of, and visible from a declared highway or main road.

These Devices are located in the Vicinity of Main Roads and Highways

QUANTITY

The number of commercial signs (billboards or pylons) shall be restricted to fifteen (15).

Of the fifteen (15) allowable signs five (5) must be reserved for businesses or organization whose principal place of operation is in the Shire of Kojonup or those that have a significant portion of their operation located in the Shire of Kojonup.

Signs additional to the allocated number (above) can be approved at the discretion of the Council based on the nature and type of the signage.

CONTENT

Signs which contain the following content will not be considered for approval.

- could harm or cause detriment to the State,
- makes reference to a product which is unsafe, or is otherwise unsuitable to be referred to in the advertisement,
- contains confusing, misleading, political, religious, offensive or objectionable information; and
- would breach any provision of the Trade Practices Act and any other State or Commonwealth legislation.

ASSESSMENT

The Council will assess the signage in relation to the requirements of this policy and the Main Roads of Western Australia guide to Management of Roadside Advertising. These requirements will include but not be limited to the following criteria:

1. Placement/Location
2. Physical Characteristics
3. Traffic Hazard Potential
4. Supporting Structure

LEASE ARRANGEMENT

- The arrangement will be made via a 'Lease Agreement' between the Shire of Kojonup and the 'Customer' displaying the sign.
- The lease fee will be subject to change based on the adopted Fees and Charges as amended annually however the increase will be no more than 10% pa.
- Revenue from leases shall be allocated to the "air Strip" reserve.
- This lease fee will permit the lessee to erect a sign (as approved) at the Kojonup Airstrip in accordance with this policy and any conditions set by the Council.
- Nonpayment of the fee will void the approval.
- The signs will be permitted to be placed at the approved location for a period of three (3) years.
- The lessee is responsible for entering into an agreement with the Shire of Kojonup for a three (3) year period.
- The lessee is responsible for all installation, maintenance and removal costs of the sign.
- The lessee is responsible for ensuring that signage does not become dilapidated or of poor condition or quality.
- It is at the Chief Executive Officer's and the Manager of Regulatory Services discretion if a sign is considered to be in poor condition or dilapidated and to define the remedy required.

Move to Corporate

10.6 POLICY – CORPORATE SERVICES POLICIES REVIEW

AUTHOR: Anthony Middleton – Manager of Corporate Services
DATE: Friday, 7 November 2014
FILE NO: CM.POL.2
ATTACHMENT: 10.6 Corporate Services Council Policies

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider an annual review of the Corporate Services Council Policies.

BACKGROUND

The Corporate Services section of the Council Policy Manual is attached. This item recommends ratifying these existing Council policies (with the incorporation of any decisions made in item 10.3, 10.4 & 10.5 of this agenda).

COMMENT

The policies contained within this section of the Council Policy Manual have been renumbered to assist with grouping the policies into the sub-categories of Finance, Human Resources and Administration. Minimal changes are being recommended in this report to the attached policies, with the exception of the following policies which are subject to separate items in this agenda:

- Credit Card Policy (newly proposed);
- Purchasing Policy (major changes suggested); and
- Signs – Advertising at the Airport (major position review proposed).

CONSULTATION

Nil.

STATUTORY REQUIREMENTS

Policies have no legal status but are guidelines for staff to act on various matters without the need for continual referral to the Council. The Council may adopt, amend or waive policies under section 2.7(2)(b) of the Local Government Act 1995.

POLICY IMPLICATIONS

This item reviews and updates a major part of the Council Policy Manual.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC/CORPORATE IMPLICATIONS

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

Corporate Business Plan 2013-17

Strategy 1.1.4 Maintain robust systems and controls

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications for this report (Note that the Council's Risk Management Policy is subject to this review although no changes are suggested).

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report (Note that the Council's Asset Management Policy is subject to this review although no changes are suggested).

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

172/14 Moved Cr Trethowan, seconded Cr Pritchard that the Corporate Services Council Policies inclusive of the decisions made in items 10.3, 10.4 and 10.5 of this agenda, be adopted.

CARRIED

8/0

10.7 162 BLACKWOOD ROAD, KOJONUP - LEASE

AUTHOR: Heather Sheppard – Senior Project Officer
DATE: Monday, 10 November 2014
FILE NO: CP.LEA.1
ATTACHMENT: 10.7 Map

DECLARATION OF INTEREST

Nil.

SUMMARY

Officers are seeking approval to lease for one year the farming land at 162 Blackwood Road, Kojonup under Certificate of Title Volume 1144 Folio 173.

BACKGROUND

The Shire have previously leased the land at 162 Blackwood Road, Kojonup to the Kojonup Football Club and Kojonup Cricket Club for farming purposes and more particularly for the purposes of a community cropping programme to provide funding for their ongoing operations.

After a review of all the leases, contracts and agreements, it was determined that in future this land should be advertised for tender to ensure that all community groups have the ability to tender for the lease of the land for community cropping.

COMMENT

The lease of the land for farming purposes has the potential to raise significant funds for the community group(s) that is awarded the lease.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Section 3.58 – Local Government Act (1995)(as amended) states that Council can dispose of property (which encompasses leases) through a public tender process.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Council receive an annual payment for the lease of the land. The lease income for 2013/2014 was \$3300 per annum.

STRATEGIC/CORPORATE IMPLICATIONS

Corporate Business Plan 2013-17 Strategy 1.5.2 Maintaining an active, healthy and social community.

RISK MANAGEMENT IMPLICATIONS

Nil

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

173/14 Moved Cr Pedler, seconded Cr Radford that Council advertise by way of public tender and lease of 162 Blackwood Road, Kojonup - Certificate of Title Volume 1144 Folio 173.

CARRIED 8/0



10.8 LOT 9999 THORNBURY CLOSE, KOJONUP – LEASE

AUTHOR: Heather Sheppard – Senior Project Officer
DATE: Monday, 10 November 2014
FILE NO: CP.LEA.1
ATTACHMENT: 10.8 Map

DECLARATION OF INTEREST

Nil

SUMMARY

Officers are seeking approval to lease for one year the industrial estate land at Thornbury Close Kojonup and part of Certificate of Title Volume 2670 Folio 367, Lot 9999 being remainder of Lot 9 after subdivision.

BACKGROUND

The Shire have previously leased the land at Lot 9999 Thornbury Close, Kojonup to Gary Cavanagh for farming purposes and more particularly for the purposes of grazing sheep.

After a review of all the leases, contracts and agreements, it was determined that in future this land should be advertised for tender to ensure that all community groups and/or individuals have the ability to tender for the lease of the land for the grazing of sheep.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Section 3.58 – Local Government Act (1995) (as amended) states that Council can dispose of property (which encompasses leases) through a public tender process.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

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

STRATEGIC/CORPORATE IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

174/14 Moved Cr Mathwin, seconded Cr Pedler that Council advertise by way of public tender and lease of Lot 9999 Thornbury Close, Kojonup - part of Certificate of Title Volume 2670 Folio 367, Lot 9999 being remainder of Lot 9 after subdivision.

CARRIED 8/0



10.9 LOT 64 HONNER ROAD, KOJONUP - LEASE

AUTHOR: Heather Sheppard – Senior Project Officer
DATE: Monday, 10 November 2014
FILE NO: CP.LEA.1
ATTACHMENT: 10.9 Map

DECLARATION OF INTEREST

Nil.

SUMMARY

Officers are seeking approval to lease for one year the industrial estate land at Dorothea Park also known as Old Brickworks/Quin Quin Reserve, Lot 64 Honner Road, Kojonup under Certificate of Title Volume 1447 Folio 62.

BACKGROUND

The Shire have previously leased the land at Dorothea Park, Kojonup to Brent Hope for farming purposes and more particularly for the purposes of grazing sheep.

After a review of all the leases, contracts and agreements, it was determined that in future this land should be advertised for tender to ensure that all community groups and/or individuals have the ability to tender for the lease of the land for the grazing of sheep.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Section 3.58 – Local Government Act (1995) (as amended) states that Council can dispose of property (which encompasses leases) through a public tender process.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

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

STRATEGIC/CORPORATE IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

175/14 Moved Cr Radford, seconded Cr Pedler that Council advertise by way of public tender and lease of Lot 64 Honner Road, Kojonup - Certificate of Title Volume 1447 Folio 62.

CARRIED 8/0



10.10 POLICY – REVIEW OF IPAD USAGE FOR COUNCILLORS

AUTHOR: Anthony Middleton – Manager of Corporate Services
DATE: Monday, 10 November 2014
FILE NO: FM.FNR.2
ATTACHMENT: [10.10.1 Existing Council Policy](#)
[10.10.2 Proposed revised Council Policy](#)

DECLARATION OF INTEREST

The Department of Local Government and Communities have advised that all Councillors have an interest in this item.

As such, special approval will need to be obtained for individual Councillors to consider the item.

SUMMARY

The purpose of this report is to consider adopting a new policy which will establish a usage agreement for iPads to be provided to Councillors.

BACKGROUND

The purpose of the iPads is to reduce the time and expense incurred in distributing paper copies of the agenda and minutes and to also increase the accessibility to Shire corporate documents by Councillors.

The existing Council Policy relating to this item was adopted on 17 December 2013, however, the Department of Local Government and Communities have raised concerns regarding conflict of interest provisions with the adoption of this policy and have advised that it be repealed and the Council adopt a new policy.

COMMENT

It is appropriate that the Council adopt a policy outlining usage agreements for the devices. The objective of the iPad policy is to establish a usage agreement for Councillors who are supplied with an iPad. It will set down the terms and conditions of usage to ensure the correct utilisation and management of the devices by both Councillors and Staff and will clarify ownership of the devices.

CONSULTATION

Chief Executive Officer and elected members at a briefing session held on 4 December 2013. The attached policy is based on one adopted by the Shire of Broomehill-Tambellup and their staff have been consulted regarding operating and procedural matters.

Department of Local Government and Communities staff have also been consulted regarding the conflict of interest provisions surrounding this item.

STATUTORY REQUIREMENTS

Nil.

POLICY IMPLICATIONS

This item recommends the repealing of an existing policy and adoption of a new revised policy.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC/CORPORATE IMPLICATIONS

This item is not mentioned in the Community Strategic Plan or Corporate Business Plan.

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. Council Policy 3.18 – ‘iPad Usage for Councillors’ be repealed;
2. The revised Council Policy 3.18 – ‘iPad Usage for Councillors’, as attached, be adopted.

3:40pm Cr Benn declared an interest and left the meeting.

All other Councillors have declared an interest and received approval from the Department of Local Government & Communities to consider and vote on this item. The Shire President reminded Council that this special approval is for today only.

COUNCIL DECISION

176/14 Moved Cr Fleay, seconded Cr Sexton that:

- 1. Council Policy 3.18 – ‘iPad Usage for Councillors’ be repealed;**
- 2. The revised Council Policy 3.18 – ‘iPad Usage for Councillors’, as attached, be adopted with the following change:
On Page 1 of the revised policy under Terms & Conditions, the fourth dot point should read “iPads may be used for incidental private use.”**

CARRIED

7/0

REASON FOR CHANGE: The Council wanted to clarify the wording of this dot point

3.18 IPAD USAGE FOR COUNCILLORS

Adopted or Reviewed by Council:	17/12/13	Council Minute Reference:	201/13
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:	"Getting Started" instructions for Councillors available		
Delegation:			

OBJECTIVE

The purpose of this policy is to establish a usage agreement for all Councillors who are supplied with an iPad, having regard to usage, ownership and financial implications.

The aim of the policy is to ensure that all Councillors understand the terms and conditions associated with the provision of an iPad for Council use.

POLICY

OWNERSHIP

The iPads will be distributed to all Councillors. The iPads remain the property of the Shire of Kojonup for the duration of a Councillors term. The ownership of the iPad is transferred to Councillors as a parting gift upon retirement or resignation from office subject to one full four year term being served.

Council may from time to time agree to amend the timeframe in exceptional circumstances. Should a Councillor not wish to retain the iPad, it may be returned to the Shire in which case it will be restored to factory settings and any personal information will be removed.

DATA/INTERNET PACKAGE

Each iPad will be provided with a data pack (sim card) which shall at all times remain the property of the Shire of Kojonup. The monthly fee for this service will be paid for by the Shire from Members Expenses. Upon retirement or resignation, the sim card for the service shall be returned so it can be used for incoming Councillors.

TERMS AND CONDITIONS

The following terms and conditions must be adhered to at all times:-

- All applications (Apps) whether for private or Council/work use are to be purchased privately using a personal credit card or iTunes voucher.
- A data pack will be provided, and paid for, by the Shire of Kojonup.
- When Councillors are in the Kojonup Administration Building, internet access will be provided by connecting to the Councils wireless network (wi-fi). Access information (password etc) will be provided upon request. To ensure the integrity of Councils computer network, the password for the wi-fi must never be disclosed to another party.
- iPads may be used for private use for Councillors in terms of accessing emails, downloading music, utilising the camera features etc.
- iPads must not be used to access any information, applications or videos that are deemed inappropriate.
- If an iPad is damaged or lost, the Council may determine that the Councillor or staff member is liable for the replacement or repairs.

REIMBURSEMENT

Any applications (Apps) that are purchased from the App Store by Council members and are deemed imperative for operational use by the Chief Executive Officer may be reimbursed. Approval must be granted by the CEO for the reimbursement of Apps prior to purchase.

DOCUMENTS RELATING TO COUNCIL USE

All documents required for Council and Committee meetings, information bulletins and Council Corporate documents will be uploaded into the "Docs on Tap" App.

The agenda for all Council meetings is required to be available 72 hours prior to the meeting (Local Government Act Section 5.5(1)). Councillors will receive an email in the week prior to the ordinary Council meeting advising that the agenda is available for viewing.

Councillors will be advised by email that new documents have been uploaded into Docs on Tap. It is the responsibility of the individual Councillor to ensure that they have read all information uploaded into the App. Any problems should be reported to the CEO immediately.

3.18 DRAFT – IPAD USAGE FOR COUNCILLORS

Adopted or Reviewed by Council:	Draft	Council Minute Reference:
Reviewer:	Manager of Corporate Services	
Local Law:	n/a	
Procedure:	"Getting Started" instructions for Councillors available	
Delegation:	n/a	

OBJECTIVE

The purpose of this policy is to establish a usage agreement for all Councillors who are supplied with an iPad, having regard to usage, ownership and financial implications.

The aim of the policy is to ensure that all Councillors understand the terms and conditions associated with the provision of an iPad for Council use.

POLICY

1. Ownership

The iPads will be distributed to all Councillors. The iPads remain the property of the Shire of Kojonup for the duration of a Councillors term. The ownership of the iPad is transferred to Councillors as a parting gift upon retirement or resignation from office subject to at least one full four year term being served.

The Council may from time to time agree to amend the timeframe in exceptional circumstances. Should a Councillor not wish to retain the iPad, it may be returned to the Shire in which case it will be restored to factory settings and any personal information will be removed.

2. Data/Internet Package

Each iPad will be provided with a data pack (sim card) which shall at all times remain the property of the Shire of Kojonup. The monthly fee for this service will be paid for by the Shire from Members Expenses. Upon retirement or resignation, the sim card for the service shall be returned so it can be used for incoming Councillors.

3. Terms and Conditions

The following terms and conditions must be adhered to at all times:-

- All applications (Apps) whether for private or Council/work use are to be purchased privately using a personal credit card or iTunes voucher.
- A data pack will be provided, and paid for, by the Shire of Kojonup.
- When Councillors are in the Kojonup Administration Building, internet access will be provided by connecting to the Councils wireless network (wi-fi). Access information (password etc) will be provided upon request. To ensure the integrity of Councils computer network, the password for the wi-fi must never be disclosed to another party.
- iPads may be used for incidental private use for Councillors in terms of accessing emails, utilising the camera features etc.
- iPads must not be used to access any information, applications or videos that are deemed inappropriate by Council policies or the Chief Executive Officer.

- If an iPad is damaged or lost, the Council may determine that the Councillor is liable for the replacement or repairs.

4. Reimbursement

Any applications (Apps) that are purchased from the App Store by Council members and are deemed imperative for operational use by the Chief Executive Officer may be reimbursed. Approval must be granted by the CEO for the reimbursement of Apps prior to purchase.

5. Documents Relating to Council Use

All documents required for Council and Committee meetings, information bulletins and Council Corporate documents will be uploaded into the "Docs on Tap" App.

The agenda for all Council meetings is required to be available 72 hours prior to the meeting (Local Government Act Section 5.5(1)). Councillors will receive an email in the week prior to the ordinary Council meeting advising that the agenda is available for viewing.

Councillors will be advised by email that new documents have been uploaded into Docs on Tap. It is the responsibility of the individual Councillor to ensure that they have read all information uploaded into the App. Any problems should be reported to the CEO immediately.

11 WORKS & SERVICES REPORTS

Nil

3:45pm Cr Benn returned to the Chamber.

12 COMMUNITY & REGULATORY SERVICES REPORTS

12.1 KOJONUP SALEYARDS & TRUCK WASH DOWN BAY

AUTHOR: Michelle Dennis – Development Services Coordinator
DATE: Friday, 7 November 2014
FILE NO: CP.MTC.19
ATTACHMENT: [12.1.1 Site Plan - Locality Plan](#)
[12.1.2 Example Licences](#)
[12.1.3 Submissions](#)
[12.1.4 Sheep Saleyards Survey](#)
[12.1.5 Sheep Saleyards Survey Summary A](#)
[12.1.6 Sheep Saleyards Survey Summary B](#)
[12.1.7 Sheep Saleyards Survey Summary C](#)
[12.1.8 Code of Practice for Animals at Saleyards in Western Australia](#)
[12.1.9 Additional Submissions](#)
[12.1.10 Livestock Standstill Policy](#)
[12.1.11 Saleyards in Western Australia](#)
[12.1.12 Two Tabled Letters](#)

DECLARATION OF INTEREST

Nil

SUMMARY

To consider the options for the future use of the Kojonup Saleyards.

BACKGROUND

The Shire operates a Truck Wash Down Bay located on land adjoining and containing the Kojonup Saleyards (see Attachment 12.1.1). The Shire holds an Industrial Waste permit with the Water Corporation, permitting the discharge of the waste water generated from the Truck Wash Down Bay to the adjoining Water Corporation Waste Water Treatment Plant. This permit is conditional on the waste water meeting certain discharge criteria.

Over the past few years, the Shire has been unable to meet the discharge criteria regarding suspended solids, which has resulted in an increase in the permit fee being charged by the Water Corporation. For the Water Corporation, high suspended solids in the waste water requires additional alum dosing to reduce the phosphorous levels and pathogen carrying potential of the water. Alum, a flocculent which causes the solids to clump together, is required to be added to reduce the solids in the ponds, which results in a layer of sludge forming at the bottom of the treatment ponds. Water Corporation staff have informed that the Kojonup Waste Water Treatment Plant requires desludging every two years, increasing the potential for odour impacts to the community.

Ultimately less solids in the water improves the chlorination effectiveness which in turn reduces the potential for the Department of Health prescribed *E.coli* levels in the waste water, used on the Shire's Town Oval, to be exceeded. Additionally reduced phosphorus levels being discharged to the environment improves the general health of the creek systems.

As part of the improvement works associated with the Waste Water Reuse Scheme the Shire is proposing to install two settlement ponds to allow the suspended solids in the waste water from the Truck Wash time to settle out. During summer it is also likely that these ponds will enable some evaporation of the waste water, reducing the volume discharged to the Water Corporation and therefore reducing the permit charge.

Before proceeding to tender, the Shire lodged the requisite Application Enquiry with the Department of Environment Regulation (DER). DER has informed the Shire of the need for a Works Approval to be obtained prior to the construction of the settlement ponds, as the ponds are associated with a truck wash located on land containing and used in connection with the Saleyards. The Saleyards have been in place at their current location for at least 50 years. The facility is used for sales between two and three times per year, with a yarding capacity of 8,000 sheep.

Saleyards are included as a Category 55 prescribed activity under the provisions of the *Environmental Protection Act 1986* and are defined as *livestock saleyard or holding pen; premises on which live animals are held pending their sale, shipment or slaughter*. The threshold level, or the level where licensing is required, is 10,000 animals per year.

The discharge of animal waste or other emissions from a commercial activity is an offence under the *Environmental Protection Act 1986*. The presence of a licence provides a defense to any allegation regarding discharges from prescribed activities.

COMMENT

According to the Shire's income records over the last eight financial years, the saleyards has averaged 11,218 sheep throughput per year. Following the September Ordinary Council meeting and a meeting with a local agent, saleyard throughput figures have been reviewed as it was perceived that these figures were too high. While a copy of the figures from the local agent were not received at the time of writing, a review of all of the income figures available electronically for the last ten years has identified that the saleyards has actually averaged **12,873** sheep, with only **four** of these years having recorded less than 10,000 sheep. These figures, summarized in Table One, were based on invoice records issued to reordered users.

Year	Throughput
13/14	18,289
12/13	7,020
11/12	6,829
10/11	No sales billed
09/10	13,790
08/09	16,172
07/08	18,371
06/07	6,400
05/06	11,458
04/05	30,397
Total	128,726
Average	12, 873

Table 1 – Throughput based on income records

The above figures only account for sales. The Shire does not currently capture the use of the yards by transporters, farmers or agents who use the yards as a drop up and pick up point or to readjust loads.

The DER considers the annual capacity of the yards, rather than the actual throughput. As the yards have the capacity to hold 8,000 sheep at any one time, it is likely that the threshold value of 10,000 animals per year will be (and has been) exceeded therefore triggering a licence consideration. Note that use of the cattle yards has not been included in these throughput figures.

A scoping meeting was held with DER officers on 4th August to discuss their licensing requirements. DER officers indicated that in order to obtain a licence for the yards the Shire would need to demonstrate that the yards can be operated in a manner that does not result in emissions to the environment. These emissions include:

- Dust
- Noise

- Odour
- Animal waste to the environment including ground water
- Contaminated water to the environment
- Sediment

Maximum throughputs can be placed as conditions on licences to assist in designing and treating emissions.

The requirements for licensing considerations were further outlined by the DER's Manager of Licensing (South Coast Branch) Caron Goodbourn at a stakeholder group meeting held at the Shire office on 6 November 2014. This stakeholder meeting was held with members of Council, local representatives from the Pastoralists and Graziers Association, WA Farmers, Livestock and Rural Transport Associate of Western Australia (Inc), Elders and guest from DER and the Department of Agriculture and Food WA (DAFWA).

- **Licensing Burden**

An Environmental Assessment would need to be carried out on the site to provide a general soil profile underlying the saleyards area including assessing the depth to ground water. Monitoring bores will possibly need to be installed to be able to monitor any potential offsite impacts. Stormwater coming in contact with the yards and vehicle ways as well as "clean" stormwater needs to be captured and treated, or discharged to the environment in a controlled way.

Shire staff have received price estimates from an Environmental Consultant for the Environmental Assessment. Table Two illustrates these estimates:

Item (Assumption)	Estimate
Environmental Assessment Report	\$ 10,000
Bore installation (based on 1 bore, \$100/m - assumed 10m deep & mobilisation)	\$ 4,000
Works Approval fee (based on construction works <\$30,000)	\$ 650
Survey work (one day)	\$ 3,200
Licence fee (based on less than 50,000 animals per year, no emissions to the environment)	\$ 800
Total	\$ 18,650

Table 2 – Cost Estimates to obtain Licence

These estimates do not include any remedial works required, for example to redirect stormwater away from the saleyards area or treatment of the water that comes in contact with animal waste. Investigations have not been carried out to establish if there is sufficient space on site to treat this additional waste water, in addition to that generated from the Truck Wash Down Bay, prior to discharge.

While Caron Goodbourn suggested at the stakeholder meeting that the Environmental Assessment Report could be carried out "in house", Shire staff would need to have at least the same value allocated in order to engage appropriate contractors to perform some of the works eg bore drilling, laboratory testing of soil profile, civil engineering design etc.

Given the information provided by the Water Corporation regarding the capacity of the Kojonup Waste Water Treatment Plant in recent months, it is considered unlikely that the Water Corporation would permit the discharge of contaminated storm water from the saleyards area into their system. **This position has further been clarified by telephone with Sue Mills, Water Corporation**

Environmental Coordinator, who has indicated that the Waste Water Treatment Plant does not have the capacity to treat additional waste volumes from the saleyards area. Onsite retention and disposal of water that comes into contact with animal waste would therefore need to be achieved if the yards were to be retained.

DER licences are publicly available for viewing from their website. Attachment 12.1.2 contains a number of examples to assist Council to understand the obligations of licensing. The annual licence fee is therefore considered a small component of the overall annual reporting/compliance obligations.

- Current Budget allocations

Table Three illustrates the current as well as last year's budget allocation to the saleyards. The fees to use the Truck Wash Down Bay have recently been increased to aid to cover the costs associated with this facility, on a user pays basis. However there is still a shortfall of approximately \$10,000 that is subsidized by general rate revenue.

Item	2013-14 Actual	2014/15 Budget
Depreciation	\$ 2,322	\$ 2,322
Wash Down Bay - Repairs	\$ 6,782	\$ 8,000
Saleyards Ground Maintenance	\$ 4,575	\$ 5,000
Saleyards & Washdown Bay - Op Exp.	\$ 454	\$ 500
Saleyards - Utility Charges	\$ 20,122	\$ 20,000
Total Expenditure	\$ 34,635	\$ 36,202
Washdownbay Fees	\$ 12,785	\$ 20,000
Saleyards - Income	\$ 8,423	\$ 6,000
Total Income	\$ 21,208	\$ 26,000
Net Position	-\$ 13,427	-\$ 10,202

Table 3 – Shire Budget – Saleyards

Further to requests for a breakdown of these charges, Table Four contains a breakdown of the 2013/14 actual expenditure and income (based on entries against the relevant budget codes), further broken down into assumed Saleyards/Wash down bay components.

Item	Wash Down Bay	Saleyards	2013/14 Totals
Depreciation	\$ 1161	\$ 1161	\$ 2,322
Wash Down Bay - Repairs <i>Included maintenance crew/mechanic checks, maintenance of pump, plumbing repairs, electrical repairs, pump motor repairs and servicing</i>	\$ 6782	0	\$ 6,782
Saleyards Ground Maintenance <i>Includes works maintenance crew (ie labour, plant, depreciation on plant)</i>	\$ 1525	\$ 3050	\$ 4,575
Saleyards & Washdown Bay - Op Exp. (Insurance)	\$ 227	\$ 227	\$ 454
Saleyards - Utility Charges			
• <i>Water Corp Water Charges</i>	\$ 5404.91	\$ 600	
	\$ 6005.46		

• <i>Water Corp Industrial Waste Charges</i>	\$13,555.99	\$ 13,555.99	0	
• <i>Synergy Charges</i>	\$ 560.87	\$ 560.87	0	\$ 20,122
Total Expenditure		\$ 29,216.77	\$ 5038	\$ 34,255
Washdownbay Fees (<i>Avdata</i>)		\$ 12,785	0	\$ 12,785
Saleyards - Income				
• <i>Sheep sales</i>	\$ 8313.41	0	\$ 8,313.41	
• <i>Avdata key sales (wash down bay)</i>	\$ 109.09	\$ 109.09	0	\$ 8,423
Total Income		\$ 12,894.09	\$ 8,313.41	\$ 21,207
Net Position		- \$ 16,322.68	\$ 3,275.41	-\$ 13,048

Table 4 – Breakdown 2013/14 Actual

- Consultation

During the scoping meeting DER suggested that the Shire could consider the reduction in the number of holding pens as a means of reducing the capacity of the yards. To assist Shire officer's understanding of the use of the yards, correspondence was forwarded to all agents who have held a sale in the yards for the past eight years as well as the local branches of the WA Farmers and Pastoralists and Graziers Association requesting their views on what impact any changes at the yards would cause.

The following notice was also placed in the 15th August edition of the Shire News requesting feedback from the general community:

The Shire of Kojonup has recently been made aware of the requirement to obtain a license for the operation of our existing Saleyards facility from the Department of Environment Regulation.

To assist Council to consider the implications to the community for licensing of this facility, the Shire has written to registered users of the facility requesting feedback regarding their usage; specifically what impact closing the facility or reducing the capacity of the yards would have on any or all of their operations within Kojonup and whether these needs can be met by an alternative facility or other selling method. If you have any comments to make, please do so in writing to the Shire by close of business 28th August 2014.

At the close of initial advertising the Shire received 6 formal written submissions which are attached (Attachment 12.1.3). Telephone contact from a local livestock transporter was also received and the CEO received a call from a retired farmer about the condition and history of the Saleyards.

The majority of respondents considered that the Saleyards were an important component of farm activities within Kojonup and that they should be retained and improved.

The Shire also attempted to obtain some information about the makeup of the sales at Kojonup specifically the origins of the sheep, particularly from the agents who are not located within Kojonup. This information was not able to be obtained prior to the September and October reports or this report being finalized. However, the Shire did receive a call from a local transporter who indicated that last year they carted approximately 4200 sheep to a Kojonup sale from Katanning.

Following the September Ordinary Council meeting further correspondence was forwarded to all registered Avdata users (ie users of the truck wash down bay) who have used the facility in the last 18 months seeking their feedback. Three responses (all verbal) were received from transporters. One respondent believes that both the saleyards and the truck wash are important to their business and the Kojonup community at large. The other two respondents stated the importance of the truck

wash but raised concerns about animal welfare at the yards, particularly with the requirements for stock to be off water and food prior to transport. One of the transporters raised Occupational Health and Safety concerns. These items are further explored below.

A survey (see Attachment 12.1.4) was forwarded to all RMBs and rural post office box holders of the Kojonup Post Office. This numbered 600 surveys. A copy of the survey was forwarded to WA Farmers, Pastoralists and Graziers Association and Elders Kojonup for electronic circulation to their members and customers. The survey was available on the Shire's website with links from the Shire's Facebook. At the close of submissions 54 surveys were received. An additional 14 surveys were received after closing and have been included in this report.

It is considered that the opinions on the pricing, or yard fees per head, of those using the yards currently be given more weight than those not currently using the yards. For this reason, the surveys have been reviewed in two data sets ie those who answered "Yes" to question 4(a) (summarized in Attachment 12.1.5) and those who answered "No" to question 4(a) (summarized in Attachment 12.1.6). The combined survey results have been summarized in Attachment 12.1.7.

From the 68 survey respondents 23 registered that they sold sheep at the yards. Of these 23, one was a business respondent, 19 were local farmers and three stated that they did not farm within the Kojonup Shire. The majority of these respondents (ie 18 out of 23) were prepared to pay up to \$1 for their use of the saleyards.

Table 5 lists the responses by farmers to survey question 4b ie the number of sheep sold at the Kojonup Saleyards (where provided). This was an average of less than 500 sheep (ie between 451 and 490) sold per farmer per year at the Kojonup Saleyards. One farmer responded that they only sold sheep at the yards once every 5 years.

Non-Kojonup Farmers	Kojonup Farmers			
• 480	• 500	• 1000	• 250-300	• 300
• 250-400	• 100-150	• 600	• Varies	• 400-500
	• 1000	• 200	• 250-350	• 700
	• 250	• 500-600	• 400-500	• 250-350
	• 500	• Occasional (no number provided)		

Table 5 – Number of Sheep Sold at Kojonup Saleyards by Survey Respondents

Given the lack of information provided by the selling agents on the makeup of the sales (on the origins of sheep) and the information provided by a transporter, combined with the survey responses, this suggests that few farmers within Kojonup are using the Kojonup Saleyards to sell their sheep. While some in the public gallery of previous meetings have indicated that the advertising of the Special Sale provides good publicity for Kojonup it could similarly be stated that the advertising of "on farm" sales (which 39 out of 61 respondents who sold sheep indicated that this was their method of selling sheep) could provide this advertising.

Of the 45 respondents who did not use the yards to sell sheep 24 responded that they used the yards to top up loads or to drop off and pick up sheep. Of these, 16 responded that they would be prepared to pay for this use.

The responses to the various requests for information has identified that the Saleyards are being used, in addition to the Special Sale days, to provide facilities for transporters to "top up" or adjust their loads. Farmers who don't have the capability of hosting large trucks also drop their sheep off at the yards for pick up by transporters. In one of the survey responses, a transporter has indicated that they would be prepared to install yards at their depot to accommodate their top up needs. While the number and frequency of these types of uses have not been specifically provided this would further increase the throughput figures at the saleyards to over 10,000 animals/year.

- Animal Welfare

Under the *Animal Welfare Act 2002* the Shire, as the owner of the Kojonup Saleyards, is a “person in charge” of animals sold through the yards or placed temporarily at the yards pending transport. Offences of cruelty under this Act include not providing proper and sufficient food or water and not providing sufficient shelter, shade or protection from the elements. Under the Act the Shire needs to be able to demonstrate that it took “reasonable steps to ensure that the animals would be properly treated and cared for”. This also includes having provisions in place for euthanasia of injured stock. This might include having management agreements or conditions of hire or use or designated staff to oversee operations. The Shire has none of these measures in place currently.

The Shire’s liability is reduced where it can be demonstrated that it was not known, or could not reasonably be expected to know that the animals were at the place or the animal was not properly treated and cared for. If the Shire were to obtain a licence for the facility it would need to be able to capture the intermittent use of the yards for temporary storage. Those users also have an obligation under the *Biosecurity and Agriculture Management Act 2007* to log the movements of these animals to and from the saleyards.

There is a *Code of Practice for Animals at Saleyards in Western Australia* (see attachment 12.1.8) that is administered by the Department of Agriculture and Food. Compliance with this Code of Practice is a defense against any charges or alleged breaches of the *Animal Welfare Act 2002*. The Shire’s existing yards would not comply with the Code of Practice relating to the provision of water. Prior to transport sheep are required to be off food and water for 12 hours. According to transporters it is not uncommon for sheep to be delivered on the previous day of a sale. As there are no lights at the yards and only two ramps, it is not uncommon that sheep are not moved until the day after the sale. As there are only four yards with access to water, this could mean that the sheep could be without water for over 48 hours.

Nationally, Animal Health Australia has developed a new guideline the “Australian Animal Welfare Standards and Guidelines for the Land Transport of Livestock”. This is proposed to be adopted for use in WA by mid-2015. This guideline will require that prior to transport animals be spelled for 36 hours ie provided with food and water where they have been off water for 48 hours.

Yards are required to be constructed so that they do not predispose stock to injury. The Kojonup yards contain weld mesh panels that are rusty. There is the potential, over time, that these yards could cause injury to stock. It is considered that the cattle yards, particularly the ramps, could cause injury to stock.

- Occupational Safety & Health

Worksafe have previously identified concerns at the Saleyards. These were largely resolved with the installation of the new sheep loading ramps in 2012. Other risks identified during in-house audits have included traffic movement within the site (ie interaction between trucks, pedestrians and other vehicles), site access, housekeeping (within the adjoining railway reserve) and the lack of amenities such as toilets and rubbish bins. Some of the respondents through the consultation process have also identified the lack of lighting as an issue.

Improvements to the weld mesh yards have been the subject of Worksafe Improvement Notices in the past.

- Biosecurity

Additional submissions made by the Livestock and Rural Transport Association of Western Australia (Inc) and WA Farmers (Attachment 12.1.9) have raised the importance of the truck wash in relation to biosecurity and the importance of the saleyards in the event of a livestock standstill being declared. During his address to the stakeholder meeting, Dr Michael Paton, Senior Veterinary Officer from DAFWA outlined the livestock standstill. This standstill policy (Attachment 12.1.10) would be initiated if there was a declared (or suspected) Foot and Mouth Disease outbreak in

Australia. He stated that keeping the yards or the truck wash in order to meet the livestock standstill policy was not considered necessary. He further noted that the risk of Foot and Mouth Disease in Australia was considered low.

The standstill policy permits that the stock currently in transit to be delivered to their destination, provided the journey is within 4 hours. DAFWA are currently working with abattoirs to determine the best course of action in response to a livestock standstill being declared.

The Livestock and Rural Transport Association of Western Australia (Inc) highlighted the Shire of a DAFWA feasibility study currently being conducted. DAFWA's appointed consultant attended the truck wash on 22 October 2014 and will be including the Kojonup truck wash in their study. Discussions with the project manager have indicated that a report is not due to be completed until early next year. There is no funding allocated by the government for improvements to privately (or Shire) operated facilities at this time.

Given the apparent cost implications it is considered necessary for Council to provide some direction as to their preferred course of action regarding the future of the Saleyards.

- Option 1 – Maintain the status quo

While the yards are used infrequently, the threshold for licensing has been exceeded. The need for licensing has been identified by the DER and further confirmed by their Manager of Licensing (South Coast Branch) Caron Goodbourn during the stakeholder meeting held 6 November. It is considered that to ignore the requirement for licensing would leave the Shire open to further action from the DER, jeopardizing all of the activities undertaken by the Shire for the community.

While survey respondents have suggested lobbying government to change the threshold figures, it is considered unlikely that a State Government agency would change this threshold when there is a Regional saleyard less than 50km from the Kojonup Saleyards. This was further confirmed by Caron Goodbourn who informed that while the requirement for a licence could not be appealed, any licensing condition could be appealed.

It is an offence under the provisions of the *Environmental Protection Act 1986* (the Act) to cause pollution. If proven, the Shire, as a Body Corporate under the Act, may be liable to penalties from \$250,000 to \$1 million and daily penalties from \$50,000.

Option 1 is therefore not recommended.

- Option 2 – Apply for an operating licence from the Department of Environment Regulation

If the Shire of Kojonup were to apply for an operating licence from the DER, it would be one of three Shire's within the Great Southern owning and operating a Saleyard facility. From officer investigations, it is clear that the Great Southern Regional Cattle Saleyards (Mt Barker) and the Katanning Regional Sheep Saleyard are identified as Saleyards of State significance. They were able to obtain funding from the State Government (and others) to facilitate improvements and clear outstanding debts (in the case of Mt Barker) and rebuilding (in the case of Katanning). The Saleyards in these Shires are standalone regional facilities, operating as independent business units and therefore not being supplemented by general rate revenue. They are also identified in the State Saleyard Strategy (prepared by the Western Australian Meat Industry Authority in 2003) as Primary Saleyards with a catchment area identified as an area 180km from the yards. These facilities have been constructed to meet current best practice.

If Kojonup were to licence the saleyards, it would be required to achieve similar environmental emission targets as the Regional facilities without the current throughput of animals – creating a cost burden to ratepayers.

As Caron Goodbourn outlined, while the premises would not necessarily be required to be upgraded immediately, there would be upgrade conditions placed on the yards by the DER. Minimum works would include some civil engineering works associated with onsite waste water management, treatment and disposal. If management plans are used as a strategy to limit the waste entering the resultant ponds, then there would be workforce costs (labour, plant and overheads) associated.

As outlined by Department of Agriculture and Food WA Livestock Compliance Inspector John Barden during the stakeholder meeting, once animals are on site, the Shire is responsible for their welfare. There would be expectations that the yards would be improved over time to meet best practice for animal welfare and that the Shire would have policies and procedures around the use of the yards. This might include additional signage and controlling access of the ramps. A way of controlling access to the yards would also assist with DER compliance reporting and provide an avenue for the Shire to invoice those users.

Saleyards fees for general sales are currently \$0.50 per head and for single vendors \$0.25 per head. **For the Kojonup Saleyards to be operated on a user pays system, in order to cover the cost of the Environmental Assessment alone, based on an average annual throughput of 12, 873, fees would need to be increased to at least \$1.45 per head. This fee does not include a consideration of any costs associated with required upgrades or maintenance costs associated with obtaining the licence or changes to facilitate improvements in animal welfare or occupational safety and health.**

Given the proximity to the Katanning Regional Saleyards, who charge \$0.75 per head, and offer undercover yarding with water to all pens and user amenities such as toilets, a canteen and lighting it is considered unlikely that the competitive auction system available in Kojonup would be capable of covering these additional yard fees. **In addition, 84% of survey respondents (or 83% of those who currently sell sheep at the saleyards) have indicated that they would not use the yards if fees were increased above \$1. There would therefore be the risk of the Shire upgrading a facility that would not be utilised.**

Option 2 is therefore not recommended.

- Option 3 – Council sell or lease the existing asset to private industry

The lots containing the Saleyards (Lot 1 Soldier Road and Lot 3 Blackwood Road) are freehold lots, owned by the Shire and zoned under the Shire's Town Planning Scheme No. 3 for "Public Purposes". The Shire has the power to lease or sell any asset, following the requisite advertising contained within the *Local Government Act 1995*.

Using the Property Identification Codes currently assigned by the Department of Agriculture and Food for stock movement purposes a desktop review of the ownership structure of saleyards in the State was carried out. Attachment 12.1.11 outlines these findings. Those other "circuit saleyards" nominated as being Shire owned and operated were contacted. All indicated that sales were infrequent and well below the 10,000 animal threshold (and therefore the DER licensing threshold).

In the Shires of Boyup Brook, Capel and Serpentine-Jarrahdale the Shire owns, or has the care and control of, the land where the Saleyards are located. However, the Shires are not responsible for the operation of the yards in those areas and the market forces determine the fees and charges imposed by the relevant operators. In 2007 the Shire of Manjimup Saleyards were closed by Worksafe due to safety concerns. Four months later, four local farmers purchased the yards and invested in the improvements to retain their ability to sell cattle locally.

In one of the survey responses, a local transporter has indicated that they would be willing to construct yards in their transport depot to facilitate the occasional drop off and pick up for top up loads that the Kojonup Saleyards are being used for.

Prior to selling the asset, Council should consider if the existing site is the most appropriate location for a Saleyard. The Environmental Protection Authority document “Guidance for the assessment of environmental factors – Separation distances between Industrial and Sensitive Land Uses” recommends that livestock yards be located at least 1,000m from a sensitive land use, depending on size. Kojonup District High School, as well as the houses on Pensioner Road, Bilston Streets and immediately west of the saleyards would be within the 1,000m minimum recommended buffer distance. During the stakeholder consultation meeting Caron Goodbourn indicated that the separation distances, given the yards have been at their current location for a number of years, would not be an impediment to obtaining a licence. As part of the licensing process, Council would need to demonstrate how emissions, such as dust and odour will be managed.

The current positioning of the assets (ie truck wash and saleyards) currently requires each to be accessed via the other. Selling the asset could result in the truck wash no longer being available to all stock carriers. For example, given the demand on the facility, if a transport company purchased the site, they may consider preventing access to the facility to other transporters, creating an unfair market advantage and jeopardizing biosecurity to the region.

Option 3 is not recommended.

- Option 4 - Close the saleyards but retain the truck wash

Truck wash down bays are available 24 hours a day, 7 days per week at both the Great Southern Regional Cattle Saleyards and the Katanning Regional Sheep Saleyard to holders of a registered key.

Biosecurity has been recognized as a key concern by those who lodged a submission. With stock moving throughout the Shire, it is considered important that appropriate truck wash facilities are available, with discharges to the environment being managed responsibly.

The Shire is fortunate to have available the ability to discharge waste water from the existing Truck Wash Down Bay to the Water Corporation’s Waste Water Treatment Plant operated on a user pays system. There is also space available to improve animal manure stockpiles as well as redirect stormwater reasonably cost effectively, minimizing impacts on the environment and potential for pollution. If the Truck Wash Down Bay is not used in connection with the saleyards, there is no licensing obligation with the DER; with the Shire needing to meet only the Industrial Waste Permit requirements as issued by the Water Corporation.

With the proposed upgrades of the addition of settlement ponds at the Truck Wash, the water quality of the effluent discharged to the Water Corporation’s Waste Water Treatment Plant will be improved, reducing the penalty charges currently imposed on the Industrial Waste Permit. During summer these ponds will act as evaporation ponds, reducing the volume of waste water discharged, resulting in a further reduction in the Industrial Waste Permit fees (volume discharged component).

The Show grounds have been identified as a possible saleyard site alternative. While numbers are currently limited to the yarding configuration, the roofed covered area would reduce the amount of waste water being generated from water coming in contact with animal manure. For biosecurity, some washing of the yards would be required and upgrades needed to facilitate onsite treatment. It is likely that the access routes to and from the existing shed would need to be improved to cater for transport vehicles. If the capacity was increased, the DER licensing obligations would then apply for the Show grounds venue.

Elders Kojonup’s submission identified that local farmers are availing themselves to online, on farm and direct to market sales. This is further supported by the survey responses. While sheep numbers in the Shire are estimated to be 800,000, saleyard throughput figures suggest that less than 2% of sheep within the Shire are being sold through the Kojonup Saleyards. Those survey

respondents whose farms were in Kojonup and sold sheep at the saleyards suggest that numbers from Kojonup farmers are low.

Assuming that engineering works will be required to redirect stormwater from the yards (eg one person, one day with grader at \$146/hour), installation of infrastructure (eg evaporation pond construction approximately \$5000, associated pipework \$600), added to the costs of an environmental assessment and provision of a chemical toilet (based on two sales), fees, on a user paid basis, would need to be increased **to at least \$1.85 per head**. This does not include any improvements to the yards to improve animal welfare or occupational safety and health or any environmental monitoring (eg bore testing) required to demonstrate licence compliance. As 84% of survey respondents have indicated that they would not be willing to pay more than \$1 it is not considered financially viable for the Shire to carry out these works, particularly with the added risk that the yards will not be utilised.

While it is acknowledged that farming is an important economic driver in the community it is not considered that the saleyards need necessarily be provided by the Shire. As is the case in many other farming communities, these facilities are provided by industry for industry. The nearby Regional facilities are operated as independent business units and are not subsidized by general rates revenue. It is not considered realistic to charge full cost recovery for the use of the saleyards in Kojonup as the cost per head would be considered prohibitive by users. There would therefore be an ongoing cost burden to ratepayers.

Given the ongoing costs associated in meeting DER licensing obligations and improvements required to meet animal welfare and occupational safety and health obligations for the few sales conducted per year it is recommended that the Shire:

- Close the Kojonup Saleyards effective 31st December 2014 (to honour an existing booking)
- Authorise that the infrastructure (ramps, panels etc) be auctioned with the proceeds of sale used towards undertaking drainage improvements in and around the Truck Wash Down Bay to minimize the potential for offsite environmental impacts
- Retain the Truck Wash Down Bay

Option four is therefore recommended.

CONSULTATION

Craig McVee, Manager of Works & Services;
Mort Wignall, Manager of Regulatory & Community Services;
Anthony Middleton; Manager of Corporate Services;
Alan Watkins, Building Surveyor;
Vicki Davies, Opus Consultants;
Caron Goodbourn, Department of Environment Regulation;
Lesley Hart, Department of Environment Regulation;
Sue Mills, Water Corporation Environmental Coordinator;
Colin Dent, Shire of Capel;
Maria Lane, Shire of Boyup Brook;
Stuart Smith, Shire of Plantagenet (Saleyards Manager);
Scott McKenzie, Shire of Esperance (regarding Esperance Truck Wash Down Bay operations);
Rod Bushell, Katanning Saleyards;
Jeff Miotti, Miotti Transport;
George Church;
Elders (Albany, Cranbrook, Katanning, Kojonup, Mt Barker);
Westcoast Livestock;
Wesfarmers;
Kojonup Agricultural Supplies;
Landmark Operations Limited;
Kojonup Co-operative Ltd;

Pastoralists and Graziers Association;
 Western Australian Farmers Federation;
 Frank House;
 Kerry Mickle, Elders Kojonup;
 Zambonetti Transport;
 Wiech Transport P/L;
 TE & MC Birstow;
 Syd Matthews & Co;
 Stock Haul (WA) P/L;
 Simron Transport;
 RH & SJ Schinzig;
 Mukinbudin Transport;
 Mt Barker Transport Services;
 AM Matthews;
 Janlin Agribusiness;
 NL & MK Smart & Son;
 Daytona Investments;
 David Campbell Transport;
 DR & JM Wells;
 Cadalelup Farms;
 Auhls Transport;
 Broomehill Transport;
 Dave Saunders, Western Australian Meat Industry Authority;
 Jack Nixon, Stock Inspector, Livestock Biosecurity, Department of Agriculture & Food;
 Ken Ostle, Senior Inspector, Livestock Compliance Unit, Department of Agriculture & Food;
 Sam Camillo, Shire of Gingin;
 Alan George, Shire of Kondinin;
 Brian Jones, Shire of Tammin;
 Kylie Hammann, Shire of Carnamah;
 Lauren Bosch, Shire of Corrigin;
 John Mitchell, Shires of Bruce Rock and Merredin;
 Jason Giadresco, Shire of Majimup;
 Ben Poett;
 Neville Matthews; and;
 Survey Respondents x 68
 Dr Michale Paton, Department of Agriculture and Food WA
 John Barden, Department of Agriculture and Food WA
 Robert Rouda, Department of Agriculture and Food WA

STATUTORY REQUIREMENTS

Environmental Protection Act 1986 – outlines the licensing requirements as well as to prevent pollution to the environment.

Health Act 1911 – prescribes license conditions relating to the quality of effluent water able to be reused on the Town Oval.

Local Government Act 1995 – outlines the process for the sale of assets.

Animal Welfare Act 2002 – outlines the obligations for the welfare, safety and health of animals

Biosecurity and Agriculture Management Act 2007- outlines obligations of recording animal movement throughout the State

Occupational Safety and Health Act 1984 – places an onus to provide safe places and systems of work with an emphasis on continual improvement

POLICY IMPLICATIONS

Policy 2.1.9 Asset Management – Requires Council to consider the financial, economic, engineering and other practices to provide a level of service in the most cost effective manner. Licensing burdens are considered to be a significant financial consideration for the continued operation of the Kojonup Saleyards. While the licence fee itself is minimal, the environmental

assessment and compliance burden are substantial, considering the few sales per year and the geographical proximity to a Primary Saleyard.

FINANCIAL IMPLICATIONS

If Council chose to licence the facility there would be an unbudgeted shortfall of \$14,000 initially to enable an Environmental Assessment report to be prepared for the DER to consider the licensing of the Saleyards. It is acknowledged that the Saleyards has minimal infrastructure relating to waste water treatment and retention. The extent of works required and additional unbudgeted funds will be further identified through the preparation of the Environmental Assessment Report.

This report has not considered the financial implications of any improvements to the Saleyards that would improve animal welfare standards or Occupational Safety and Health considerations for the operations.

STRATEGIC/CORPORATE IMPLICATIONS

The Shire has included a commitment of “Implement waste water and storm water reuse upgrades and assess the feasibility of a town catchment drainage plan” within its Community Strategic Plan. The retention of the Truck Wash Down bay and proposed improvements will assist towards this commitment. The proposed settlement ponds are also a component of the overall Regional project being undertaken with the Shire’s Southern Link VROC partners (ie Corporate Business Plan 2013-2017 – Strategy 1.2.3.1 – Explore opportunities within a regional framework to improve the use of wastewater and storm water for gardens, ovals and other recreation areas).

RISK MANAGEMENT IMPLICATIONS

The need for a licence has been identified by the DER. Failure for the Shire to take any action may result in formal action by the DER. The *Environmental Protection Act 1986* contains significant penalties; which if imposed, would jeopardise the Shire’s ability to provide other services and carry out other functions and services to the community.

ASSET MANAGEMENT IMPLICATIONS

Section 12 of the Shire’s Asset Management Plan provides information regarding buildings and associated structures and acknowledges that *renewal has regard to the ability to service current demands and be fit for purpose, with a significant component of renewal due to changing needs, expectations and regulations that can often render buildings obsolete and bring forward replacement discussions*. While the Saleyards have not been identified in the forward capital expenditure plan, the implications of Regulation on the future use of the Saleyards needs to be considered.

VOTING REQUIREMENTS

Simple Majority

Note - If Council were to move an alternative motion to complete the Environmental Assessment then this would be unbudgeted expenditure and require an Absolute Majority of Council.

The Shire President reminded the meeting that Cr’s Fleay, Sexton, Trethowan, Benn, Mathwin and Radford have all declared an interest in this item and have been given special approval by the Department of Local Government and Communities to participate in and vote on this item at today’s meeting.

The Development Services Coordinator tabled two letters from Michael Campbell from Yornup Farm and Jane Phillip’s WA Farmers Zone Coordinator of the Lower South West Zone which are attached to these minutes.

The Chief Executive Officer congratulated the Development Services Coordinator on her report.

COUNCIL DECISION / OFFICER RECOMMENDATION**177/14 Moved Cr Sexton, seconded Cr Pedler that Council:**

- 1. Close the Kojonup Saleyards effective 31st December 2014.**
- 2. Instruct the Chief Executive Officer to refuse any additional booking requests for use of the Saleyards.**
- 3. Authorise the Chief Executive Officer to arrange for the disposal of the Saleyards infrastructure (ramps, panels etc) with some of the proceeds of sale used towards undertaking drainage improvements in and around the Truck Wash Down Bay.**
- 4. Retain the Truck Wash Down Bay for use by Stock Transport Vehicles only.**

LOST**0/8****COUNCIL DECISION**

178/14 Moved Cr Sexton, seconded Cr Benn that a decision as to the future of the saleyards be deferred until all of the conditions and cost to operate the yards under a licence are known.

CARRIED**6/2**

REASON FOR CHANGE: The Council felt that more information was required.

COUNCIL DECISION

179/14 Moved Cr Fleay, seconded Cr Benn, that the 2014/2015 budget be amended to make a provision of up to \$18,000 to implement the previous motion, to be funded by reducing account C307 “Sports Facilities Master Plan”, if required.

CARRIED BY ABSOLUTE MAJORITY**8/0**

12.2 BUSH FIRE ASSOCIATION – APPOINTMENT OF FIRE OFFICER’S 2014/2015 BUSHFIRE SEASON

AUTHOR: Robert Cowie – Administration/Regulatory Officer
DATE: Tuesday, 28 October 2014
FILE NO: ES.REG.1
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

To endorse the appointment of statutory and representative positions for the Shire of Kojonup and Kojonup Bush Fire Association for 2014/2015.

BACKGROUND

Each year the Shire of Kojonup appoints persons to undertake statutory and representative roles to perform the obligations under the Bush Fires Act 1954. Nominations are forwarded from the individual Brigades and Kojonup Bushfire Association.

At the May 2014 Council meeting, Council Members voted to endorse that Digby Stretch be appointed as the Chief Bush Fire Control Officer and that Tony Fisher be appointed as the Deputy Chief Fire Control Officer and that Richard Banks be appointed as one of the two Senior Fire Control Officer.

At the time of the meeting, the other Senior Fire Control Officer position was vacant and Digby Stretch was in the process of trying to find a suitable applicant to fill the position.

COMMENT

The Association members and officer bearers have made the following appointment for Council ratification:-

Mr Murray Gibbs • Senior Bush Fire Control Officer

CONSULTATION

Consultation has occurred with the Brigades following call for nominations and consideration at individual Brigade AGM’s. The Association AGM endorsed the Chief Bush Fire Control Officer who advised at the Kojonup Bush Fire Advisory Committee Meeting on Monday 20 October 2014 that Mr Gibbs be recommended for appointment.

STATUTORY REQUIREMENTS

Section 33 of the Bush Fires Act 1954 relates to Fire Break Orders
Section 38 & 40 of the Bush Fires Act 1954 relates to FCO appointment

POLICY IMPLICATIONS

There are no known Shire of Kojonup policy implications.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC/CORPORATE IMPLICATIONS

Corporate Business Plan 2013-17
Strategy 1.4.4.1 Maintain a community driven response to bushfire risk management

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

180/14 Moved Cr Benn, seconded Cr Sexton that Mr Murray Gibbs be appointed as Senior Bush Fire Control Officer for the Shire of Kojonup for 2014/2015 financial year.

CARRIED 8/0

12.3 FINAL APPROVAL OF TOWN PLANNING SCHEME POLICY FOR LOTON CLOSE, KOJONUP GUIDED DEVELOPMENT PLAN

AUTHOR: Phil Shephard - Town Planner
DATE: Friday, 7 November 2014
FILE NO: CP.DAC.1 & LP.SUB.3
ATTACHMENT: [12.3.1 Schedule of Submissions](#)
[12.3.2 Copy of Submissions](#)
[12.3.3 Guided Development Plan](#)

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the submissions received from the advertising of the draft Town Planning Scheme Policy to prepare a Guided Development Plan for land around the Loton Close area in Kojonup.

The recommendation is to note the submissions received and finally approve the Guided Development Plan and Town Planning Scheme Policy.

BACKGROUND

Council at its 22 July 2014 meeting (Resolution: 111/14) resolved to initiate the Town Planning Scheme Policy as follows:

- 1) *Authorise staff to complete the draft Guided Development Plan report for Lot 8 Loton Close and Lot 361 Soldier Road, Kojonup based on Preliminary Concept Plan 2 with the following modifications being completed by the consultants to the satisfaction of the Chief Executive Officer:*
 - i) *Clarification on the capacity of the infrastructure to accommodate expected additional flows from the future development/subdivision of the land.*
 - ii) *The subdivisional road to show a through road although the construction be undertaken to create a linked cul-de-sac system.*
 - iii) *No future road connection across the creek is to be provided.*
- 2) *Adopt the draft Guided Development Plan as a draft Town Planning Scheme Policy under c.7.6 of TPS3 and undertake consultation on the draft policy as set out in the Consultation section of this report.*

The report was completed by staff and referred in accordance with Council's decision to adjoining/nearby landowners and relevant Government agencies with an invite to provide comments.

COMMENT

The Council is required by Town Planning Scheme No. 3 (c.3.2.2) to approve a Guided Development Plan for land included in the Residential Development zone prior to approving any development or supporting subdivision.

The Council resolved to utilise the process of adopting the Guided Development Plan as a Town Planning Scheme Policy to enable submissions to be provided for consideration prior to adopting a final plan for the area.

At the close of the submission period a total of 8 submissions were received and are included in the attached Schedule of Submissions. The Schedule includes a comment and recommendation in regard to each submission.

The majority of submissions provided by Government agencies support the proposed Guided Development Plan and provide advice/conditions that would apply to the development and/or subdivision proceeding.

The adjoining landowner to the east supports the proposal proceeding and has provided a commitment to linking with Council in protecting the creekline area. This represents a good planning outcome for Council and it is recommended that the landowner be encouraged to also complete a Guided Development Plan for that land. The adjoining landowner to the south however opposes the proposal as set out in their submission and request Council not proceed with the current proposal and consider using the land for parks/gardens purposes. Whilst their views are acknowledged and additional housing will be located on the property, it is not expected that the impact of any future development would restrict any of their current or future lifestyle or potential for their lot.

The Department of Planning provided a late submission which has been included within the Schedule of Submissions. Their submission includes a number of comments regarding the effectiveness of the proposed Guided Development Plan. Whilst the Department recommends a number of changes, the Plan has been prepared in accordance with Council's July 2014 decision. The Plan is to be adopted properly as set out in Town Planning Scheme No. 3 and will suit Council's planning purposes for the land into the future. The Department has the power to approve/refuse subdivision applications flowing from the adoption of the Plan. Some of the matters raised by the Department will be addressed through the preparation of the new Local Planning Scheme.

No change to the proposed Guided Development Plan is considered necessary as a result of the submissions received and the Shire can proceed to approve the Policy/Plan.

The Council may also choose to modify the proposal before approving it or refusing the proposal as a result of the submissions.

CONSULTATION

The draft Town Planning Scheme Policy was advertised in accordance with the Town Planning Scheme No. 3 requirements for submissions for a period exceeding 21-days closing on Friday 31 October 2014. This included referring a copy of the proposal directly to relevant Government agencies and adjoining/nearby landowners and advertising the proposal in the Great Southern Herald and Kojonup News and displaying a notice of the proposal on the Shire's Administration Notice Board and website.

STATUTORY ENVIRONMENT

- *Planning and Development Act 2005* – The Shire of Kojonup Town Planning Scheme No. 3 is an operative Local Planning Scheme under the Act and sets out the process for adopting a Guided Development Plan and Town Planning Scheme Policy.

POLICY IMPLICATIONS

Town Planning Scheme No. 3 requires Council undertake the following actions in creating a Town Planning Scheme Policy:

7.6 Power to Make Policies

7.6.1 In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the control of development.

7.6.2 A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:

- a) The Council having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the Draft Policy once a week for two consecutive weeks in a newspaper circulating in the area giving*

details of where the Draft Policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.

- b) The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment, or not proceed with the Draft Policy.*
- c) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the Scheme Documents for inspection during normal office hours.*

7.6.3 A Town Planning Scheme Policy may only be altered or rescinded by:

- a) Preparation and final adoption of a new Policy pursuant to this clause, specifically worded to supersede an existing policy.*
- b) Publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.*

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

FINANCIAL IMPLICATIONS

Advertising and referral costs are covered within the Shire's adopted 2014/15 budget.

STRATEGIC/CORPORATE IMPLICATIONS

The completion of the Policy/Plan will assist the Council to progress a number of commitments from the Community Strategic Plan 2013 - 2023. The Plan shows the ultimate potential for the subject area and will provide an alternative residential and aged person accommodation development for the district.

It will also enable Council to proceed with the development of 3 additional aged persons units and a staff house as set out in the 2014/15 budget.

RISK MANAGEMENT IMPLICATIONS

The lack of an adopted Guided Development Plan for the subject land means that Council cannot pursue the potential for developing the land and the land asset remains underutilised. The completion of the Plan will enable Council to provide an alternative residential and aged persons development within Kojonup and assist in maintain and growing the local population and increase rates income over time.

ASSET MANAGEMENT IMPLICATIONS

The future subdivision of the land will create approximately 170m of road, 350m of footpath, 4,100m² of public open space and additional drainage infrastructure that will become the responsibility of Council to maintain when completed.

VOTING REQUIREMENTS

Simple Majority

4:48pm Cr Pedler declared an interest and left the Chambers.

OFFICER RECOMMENDATION

That Council:

- 1) Adopt the recommendations in the attached Schedule of Submissions.
- 2) Authorise staff to complete the actions referred to in the Schedule of Submissions.
- 3) Pursuant to the clauses 3.2.2 and 7.6.2 of Town Planning Scheme No. 3 finally adopt the Guided Development Plan for Lots 8 and 361 Soldier Road/Loton Close, Kojonup as a Town Planning Scheme Policy and include it within the Policy Manual for use by Council when considering land use/development applications and subdivision referrals for the affected land.

COUNCIL DECISION**181/14 Moved Cr Pritchard, seconded Cr Mathwin that Council:**

- 1) **Adopt the recommendations in the attached Schedule of Submissions.**
- 2) **Authorise staff to complete the actions referred to in the Schedule of Submissions including:**
 - i) **a 10m wide landscaping strip along the southern boundary of the plan.**
 - ii) **all housing shall be a minimum of 50 metres from the boundary of Lot 9 Soldier Road, Kojonup.**
- 3) **Pursuant to the clauses 3.2.2 and 7.6.2 of Town Planning Scheme No. 3 finally adopt the Guided Development Plan for Lots 8 and 361 Soldier Road/Loton Close, Kojonup as a Town Planning Scheme Policy and include it within the Policy Manual for use by Council when considering land use/development applications and subdivision referrals for the affected land.**

CARRIED 7/0**REASON FOR CHANGE:** The Council considered the submission made by the owners of Lot 9 Soldier Road, Kojonup.*5:05pm Cr Pedler returned to the Chamber.*

12.4 FINAL APPROVAL OF TOWN PLANNING SCHEME POLICY FOR KOJONUP-KATANNING ROAD, JOHN AND MURBY STREETS, KOJONUP GUIDED DEVELOPMENT PLAN

AUTHOR: Phil Shephard – Town Planner
DATE: Friday, 7 November 2014
FILE NO: CP.DAC.1 & LP.SUB.3
ATTACHMENTS: [12.4.1 Schedule of Submissions](#)
[12.4.2 Copy of Submissions](#)
[12.4.3 Guided Development Plan](#)

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the submissions received from the advertising of the draft Town Planning Scheme Policy to prepare a Guided Development Plan for land around the Loton Close area in Kojonup.

The recommendation is to note the submissions received and finally approve the Guided Development Plan and Town Planning Scheme Policy.

BACKGROUND

Council at its 16 September 2014 meeting (Resolution: 138/14) resolved to initiate the Town Planning Scheme Policy as follows:

That Council adopt the draft Guided Development Plan for Lots 1, 84, 85, 100 & 101 Kojonup-Katanning Road, Lots 50 & 105 John Street and Lot 2 Murby Street, Kojonup as a draft Town Planning Scheme Policy under c.7.6 of TPS3 and undertake consultation on the draft policy as set out in the Consultation section of this report.

The Guided Development Plan was referred in accordance with Council's decision to adjoining/nearby landowners and relevant Government agencies with an invite to provide comments.

COMMENT

The Council is required by Town Planning Scheme No. 3 (c.3.2.2) to approve a Guided Development Plan for land included in the Residential Development zone prior to approving any development or supporting subdivision.

The Council resolved to utilise the process of adopting the Guided Development Plan as a Town Planning Scheme Policy to enable submissions to be provided for consideration prior to adopting a final plan for the area.

At the close of the submission period a total of 4 submissions were received and are included in the attached Schedule of Submissions. The Schedule includes a comment and recommendation in regard to each submission.

The majority of submissions provided by Government agencies support the proposed Guided Development Plan and provide advice/conditions that would apply to the development and/or subdivision proceeding.

None of the adjoining landowners provided any submissions opposing the Plan.

Main Roads WA have required a service road be included on the Plan to ensure no direct access from lots onto the Kojonup-Katanning Road. This requirement is not considered necessary or appropriate given the maximum number of additional driveways to be created would be 8 and this

is a minor increase to those number of existing access points along this section of the road. It is recommended that Council seek an urgent meeting with Main Roads to express its concerns at the imposition of their advice and discuss alternatives such as shared access points to the lots which could potentially reduce the number of crossovers from 8 to 4. Staff believe the cost of providing a service road could potentially make the project unviable and the current traffic use and volume on the Kojonup-Katanning Road does not seem to warrant this condition.

The Department of Planning provided a late submission which has been included within the Schedule of Submissions. Their submission includes a number of comments regarding the effectiveness of the proposed Guided Development Plan. Whilst the Department recommends a number of changes, the Plan has been prepared in accordance with Council's previous decisions. The Plan is to be adopted properly as set out in Town Planning Scheme No. 3 and will suit Council's planning purposes for the land into the future. The Department has the power to approve/refuse subdivision applications flowing from the adoption of the Plan. Some of the matters raised such as the pedestrian accessway and connection to Schorer Street have been dealt with by Council in previous reports.

No major change to the proposed Guided Development Plan is considered necessary as a result of the submissions received and the Shire can proceed to approve the Policy/Plan. Should Main Roads WA not accept Council's request to delete the requirement for a service road along the Kojonup-Katanning Road, the Plan will be returned to Council for consideration.

The Council may also choose to modify the proposal before approving it or refusing the proposal as a result of the submissions.

CONSULTATION

The draft Town Planning Scheme Policy was advertised in accordance with the Town Planning Scheme No. 3 requirements for submissions for a period exceeding 21-days closing on Friday 31 October 2014. This included referring a copy of the proposal directly to relevant Government agencies and adjoining/nearby landowners and advertising the proposal in the Great Southern Herald and Kojonup News and displaying a notice of the proposal on the Shire's Administration Notice Board and website.

STATUTORY ENVIRONMENT

- *Planning and Development Act 2005* – The Shire of Kojonup Town Planning Scheme No. 3 is an operative Local Planning Scheme under the Act and sets out the process for adopting a Guided Development Plan and Town Planning Scheme Policy.

POLICY IMPLICATIONS

Town Planning Scheme No. 3 requires Council undertake the following actions in creating a Town Planning Scheme Policy:

7.6 Power to Make Policies

7.6.1 In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the control of development.

7.6.2 A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:

- a) The Council having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the Draft Policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the Draft Policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.*
- b) The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment, or not proceed with the Draft Policy.*

- c) *Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the Scheme Documents for inspection during normal office hours.*

7.6.3 *A Town Planning Scheme Policy may only be altered or rescinded by:*

- a) *Preparation and final adoption of a new Policy pursuant to this clause, specifically worded to supersede an existing policy.*
 b) *Publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.*

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

FINANCIAL IMPLICATIONS

Advertising and referral costs are covered within the Shire's adopted 2014/15 budget.

STRATEGIC/CORPORATE IMPLICATIONS

The completion of the scheme amendment will assist the Council to progress a number of commitments from the Community Strategic Plan 2013 - 2023. The Plan shows the ultimate potential for the subject area and will provide an alternative residential development for the district.

RISK MANAGEMENT IMPLICATIONS

The lack of an adopted Guided Development Plan for the subject land means that Council cannot pursue the potential for developing the land and the land asset remains underutilised. The completion of the Plan will enable Council to provide an alternative residential development within Kojonup and assist in maintain and growing the local population and increase rates income over time.

ASSET MANAGEMENT IMPLICATIONS

The future subdivision of the land will create approximately 520m of road, 570m of footpath and additional drainage infrastructure that will become the responsibility of Council to maintain when completed.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

182/14 Moved Cr Pritchard, seconded Cr Pedler that Council:

- 1) Adopt the recommendations in the attached Schedule of Submissions.**
- 2) Authorise staff to make the necessary changes and complete the actions referred to in the Schedule of Submissions.**
- 3) Pursuant to the clauses 3.2.2 and 7.6.2 of Town Planning Scheme No. 3 finally adopt the Guided Development Plan for Lots 1, 84, 85, 100 & 101 Kojonup-Katanning Road, Lots 50 & 105 John Street and Lot 2 Murby Street, Kojonup as a Town Planning Scheme Policy and include it within the Policy Manual for use by Council when considering land use/development applications and subdivision referrals for the affected land.**

CARRIED

8/0

12.5 PROPOSED SUBDIVISION/AMALGAMATION OF LOTS 3 AND 32 ALBANY HIGHWAY/BROOMEHILL-KOJONUP ROAD, KOJONUP.

AUTHOR: Phil Shephard – Town Planner
DATE: Monday, 10 November 2014
FILE NO: LP.SUB.1
ATTACHMENT: 12.5 Proposed Subdivision Map

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider a proposal to resubdivide the above 2 lots as shown on the attached plan of subdivision.

The subdivision/amalgamation is proposed to realign the existing boundaries to include some additional land (2,757m²) into the adjoining title as outlined in the application.

BACKGROUND

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

Council is reminded that all applications for subdivision/amalgamation are submitted to, and determined by, the WAPC in consultation with relevant stakeholders (State Government bodies and Local Government). The WAPC provides 42 days for comments (closing on 11 December 2014) to be received from stakeholders. It is the WAPC's decision to act on any advice or recommendation received from Council.

COMMENT

The resubdivision will create 2 new lots as follows:

- 1 lot of 1.6253 ha's for Matthews Transport (Lot A): and
- 1 lot of 44.7194 ha's for the remainder of the farming lot (Lot B).

The lots have frontage to Albany Highway and Broomehill-Kojonup Roads which are sealed and drained. Proposed Lot A currently forms part of Matthews Transport yard and has a house which has been approved for demolition by Council. Proposed Lot B is used for farming purposes and has a dwelling/sheds constructed at the eastern end of the property adjacent to the Broomehill-Kojonup Road.

The area proposed to be amalgamated into proposed Lot A is zoned Rural under Town Planning Scheme No. 3 in which a transport depot is a not permitted use i.e. Council could not approve any extension of the transport use to the new area without the proponents completing a scheme amendment to enable the use to proceed. The existing lot used by Matthews Transport is zoned part residential/commercial and is overlaid with an Additional Use to allow for the transport depot.

The WAPC's DC3.4 'Subdivision of Rural Land' policy guides their decision-making on applications to subdivide including resubdivisions on rural zoned land to achieve the five key objectives of State Planning Policy 2.5 'Land Use Planning in Rural Areas' as follows:

- a) To protect rural land from incompatible uses by:
 - i) Requiring comprehensive planning for rural areas;
 - ii) Making land-use decisions for rural land that supports existing and future primary production and protection of priority agricultural land particularly for the production of food;
 - iii) Providing investment security for the existing and future primary production sector;
- b) To promote regional development through provision of economic opportunities on rural land;

- c) To promote sustainable settlement in and adjacent to existing urban areas;
- d) To protect and improve environmental, landscape and cultural assets; and
- e) To minimise land use conflicts.

Policy DC 3.4 advises the WAPC will consider rural subdivision applications in the following circumstances:

- a) To realign lot boundaries with no increase in the number of lots, where the resultant lots will not adversely affect rural land uses;
- b) To protect and actively conserve places of cultural and natural heritage;
- c) To allow for the efficient provision of utilities and infrastructure and/or for access to natural resources;
- d) In the Homestead lot policy area (Appendix 2), to allow for the continued occupation of existing homesteads when they are no longer used as part of a farming operation; and
- e) For other unusual or unanticipated purposes which, in the opinion of the WAPC, do not conflict with this and other relevant policies and are necessary in the public interest.

In regards to local planning, the land to be amalgamated into Lot 3 is zoned Rural under Town Planning Scheme No. 3. The objectives for the Rural zone under the Shire's Town Planning Scheme No 3 are as follows:

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

The Shire's existing Policy No. 11 'Applications for Subdivision' provides for the following requirements for subdivisions/amalgamations in rural areas:

- Block size is no smaller than the prevailing lot sizes in the vicinity;
- Greater than 2 hectares in area;
- Each block has a well-made developed road access to it; and
- The amenity of the area is not adversely affected.

The proposed subdivision/amalgamation does not achieve some of the requirements of the Policy as the area to be amalgamated is well below 2ha's. Given this proposal is for a subdivision/amalgamation, it is considered that strict compliance with the Policy requirements is not required in this instance.

In considering the proposal, Council has the following options:

- 1) Defer consideration and seek additional advice from the WAPC or applicants if deemed necessary; or
- 2) Support the proposal, with or without conditions; or
- 3) Refuse to support the proposal, giving reasons.

CONSULTATION

Nil.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

The Shire's existing Policy No. 11 'Applications for Subdivision' provides for the following requirements for subdivisions/amalgamations in rural areas:

- Block size is no smaller than the prevailing lot sizes in the vicinity;
- Greater than 2 hectares in area;
- Each block has a well-made developed road access to it; and
- The amenity of the area is not adversely affected.

FINANCIAL IMPLICATIONS

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

STRATEGIC/CORPORATE IMPLICATIONS

The item does not affect the Strategic or Corporate Plans.

RISK MANAGEMENT IMPLICATIONS

This proposal does not affect Council's Risk Management Plan 2014.

ASSET MANAGEMENT IMPLICATIONS

The item does not affect the Asset Management Plan.

VOTING REQUIREMENTS

Simple Majority

Cr Trethowan queried whether she should declare an interest as she is a client of Matthews Transport. Shire President no financial gain towards Cr Trethowan, so there is no need to declare.

COUNCIL DECISION / OFFICER RECOMMENDATION

183/14 Moved Cr Sexton, seconded Cr Benn that Council advise the Western Australian Planning Commission that it supports the proposed subdivision/amalgamation of Lots 3 and 32 Albany Highway/Broomehill-Kojonup Road, Kojonup as proposed on WAPC File 150876 subject to the following advice note being included on any approval:

- a) **That portion of Lot 32 to be amalgamated into Lot 3 is zoned Rural under the Shire of Kojonup Town Planning Scheme No. 3 and a transport depot is a not permitted use in the Rural zone. Council is not able to approve any extension of the present transport depot use over the land unless a scheme amendment to enable the use has been prepared by the proponents and approved by the WA Planning Commission/Minister for Planning.**

CARRIED 8/0

12.6 PROPOSED OVERSIZED OUTBUILDING ON LOT 59 NEWTON STREET, KOJONUP.

AUTHOR: Phil Shephard – Town Planner
DATE: Monday, 10 November 2014
FILE NO: DB.BDA.8
ATTACHMENT: 12.6 Site Plan and Supporting Comments

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider a proposal to construct a 17.5m² extension to an existing outbuilding on the above property. The cumulative area of outbuilding on the property will exceed the delegated authority available to officers to approve under Policy No. 9 ‘Sheds on Residential and Special Rural Zoned Land’ and the application must be presented to Council for a decision.

The recommendation is to approve the proposal with conditions.

BACKGROUND

Nil.

COMMENT

The proposal is to construct a new 17.5m² (approximately 6m x 3.2m) extension to the existing outbuilding on the above lot as shown on the attached plan. The outbuilding will be constructed of steel frames and clad with metal sheeting (mist green colorbond for the walls and white colorbond for the roof) to match the existing outbuilding. The extension will be used to store garden tools etc.

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

Whilst the outbuilding will be larger than the adopted TPS Policy No. 9 requirements of 65m² (the cumulative area of outbuildings on the site will be approximately 95m²), given that:

- The outbuilding is to be clad with colorbond and is an extension to the existing outbuilding rather than a separate one on the property;
- The purpose of the extension is to store garden tools, personal effects etc.;
- The proposed setbacks to adjoining boundaries are well in excess of the minimum setbacks permitted in the zone; and
- The lot is over 2,003m² in area and much larger than the standard Residential R20 sized lot of 500m² expected in this zone, the minor departure from the Policy requirements is supported by staff in this instance.

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

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

Staff recommend option 3) be adopted to approve the application subject to conditions of development.

CONSULTATION

Nil.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

The Policy states:

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

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

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

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

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

Clause 7.6.4 of the TPS3 states that the Policies shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the Policy and objectives which the policy was designed to achieve before making its decision.

FINANCIAL IMPLICATIONS

The applicant is required to pay the prescribed planning/building fees in accordance with the Shire’s adopted 2014/15 Schedule of Fees/Charges.

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

STRATEGIC/CORPORATE IMPLICATIONS

The item does not affect the Strategic or Corporate Plans.

RISK MANAGEMENT IMPLICATIONS

This proposal does not affect Council’s Risk Management Plan 2014.

ASSET MANAGEMENT IMPLICATIONS

The item does not affect the Asset Management Plan.

VOTING REQUIREMENTS

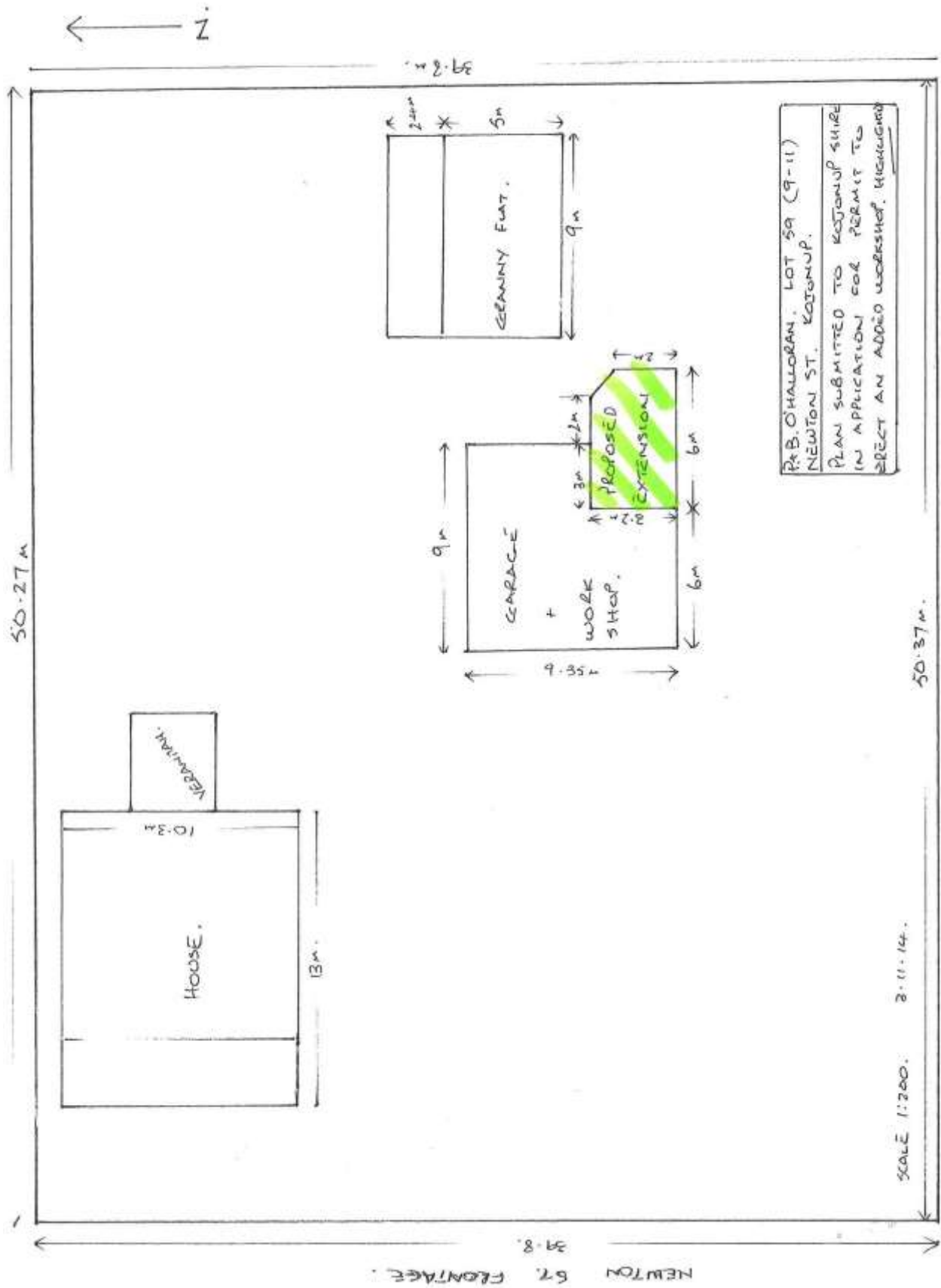
Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

184/14 Moved Cr Mathwin, seconded Cr Radford that Council grant planning consent to the proposed 17.5m² extension to the existing outbuilding on Lot 59 Newton Street, Kojonup subject to the following conditions:

- 1) The outbuilding is to be used for storage purposes only.**
- 2) The walls to be clad with ‘mist green’ coloured metal sheeting and the roof to be clad with ‘white’ coloured metal sheeting.**
- 3) The location of the extension to be in accordance with the site plan submitted on 5 November 2014 and approved by Council.**

CARRIED**8/0**



Phil Shepherd
Planning officer
Shire of Kojonup.

9 Newton St.
Kojonup. 6395.
3.11.14.

Dear Mr Shepherd,

I would like permission to erect an extension to my garage/workshop at 9 Newton St Kojonup, please.

Last year when we put a granny flat in our back yard it necessitated the removal of our 6m x 4m back shed in which we stored garden tools and other items. Not having this shed has put a severe strain on my workshop and garage and it has become unmanageable. This extension should go some way towards relieving this pressure.

I have enclosed a plan for the proposal and also one for reference of last years permit.

I hope you are able to view this application favourably.

Yours faithfully,
Phillip O'Halloran.

13 EXECUTIVE & GOVERNANCE REPORTS**13.1 SETTING OF COUNCIL MEETING DATES 2015**

AUTHOR: Dominique Hodge – Personal Assistant to the CEO
DATE: Thursday, 6 November 2014
FILE NO: GO.CNM.6
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

Council is being asked to resolve to adopt Council Meeting dates for the 2015 year.

BACKGROUND

In October 2005 Council resolved that Council meetings be held on the third Tuesday of each month commencing at 3.00pm except where the date clashes with a public holiday or internal staffing management.

COMMENT

The above practice has continued since with the only variation being no January meeting being held. It is proposed that Council continue with what is current practice except for October when the meeting will be held following Local Government Elections on Saturday 17th October 2015.

Regulation 12 of the Local Government (Administration) Regulations 1996 requires that at least once per year a local government is to give local public notice of the dates on which and time and place which the ordinary meetings will be held.

CONSULTATION

None necessary

STATUTORY REQUIREMENTS

Local Government (Administration) Regulations 1996 – regulation 12 and Local Government Act 1995 section 5.25

POLICY IMPLICATIONS

None applicable

FINANCIAL IMPLICATIONS

Nil

STRATEGIC/CORPORATE IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

5:10pm Mr Phil Shephard left the Chamber.

COUNCIL DECISION / OFFICER RECOMMENDATION**185/14 Moved Cr Mathwin, seconded Cr Trethowan**

- 1. Council meetings be held on the third Tuesday of each month, excluding January where no meeting will be held and October where meeting will be held on the Thursday following Local Government Elections. All meetings are to commence at 3.00pm.**

- 2. The following dates be approved for the 2015 year:**
 - **Tuesday, 17th February 2015**
 - **Tuesday, 17th March 2015**
 - **Tuesday, 21st April 2015**
 - **Tuesday, 19th May 2015**
 - **Tuesday, 16th June 2015**
 - **Tuesday, 21st July 2015**
 - **Tuesday, 18th August 2015**
 - **Tuesday, 15th September 2015**
 - **Thursday, 22nd October 2015**
 - **Tuesday, 17th November 2015**
 - **Tuesday, 15th December 2015**

- 3. That Local Public Notice be given of the approved Council Meeting dates for the 2015 year.**

CARRIED**8/0**

13.2 DELEGATION REGISTER REVIEW

AUTHOR: Anthony Middleton – Manager of Corporate Services
DATE: Sunday, 9 November 2014
FILE NO: PE.AUT.2
ATTACHMENT: 13.2 Delegation Register

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider the annual review of the Delegation Register.

BACKGROUND

Section 5.46 (2) of the Local Government Act 1995 requires that delegations be reviewed at least once every financial year. The Delegation Register was last reviewed by the Council in May 2014.

COMMENT

The Council of the Shire of Kojonup has resolved to adopt and delegate the functions referred to within the attached Delegations Register to the Chief Executive Officer (CEO). The Council is only able to delegate to the CEO and the CEO may then on-delegate to other Officers. When a decision is made under delegation, it is as if that decision has been made by the Council.

A review of the Delegation Register has been undertaken in accordance with the Local Government Act to ensure that it contains the requirements for the Shire of Kojonup to function efficiently and to ensure good governance.

CONSULTATION

Nil.

STATUTORY REQUIREMENTS

The Local Government Act 1995, sections 5.42 to 5.46 and Regulation 19 of the of the Local Government (Administration) Regulations relate to delegations.

Specifically, section 5.42 of the Local Government Act 1995 allows for the delegation of some powers and duties from the Council to the CEO. Section 5.42 states:

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

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

This report or its recommendation does not in itself have a financial implication. A number of delegations provide the ability for officers or committees to exercise power to approve tenders or commit funding.

STRATEGIC/CORPORATE IMPLICATIONS

There are no strategic implications for this report.

RISK MANAGEMENT IMPLICATIONS

This report ensures legislative compliance and continues a framework of delegations to ensure that the Council and staff are undertaking their respective roles.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That the attached Delegation Register be adopted in accordance with section 5.42 of the Local Government Act 1995.

COUNCIL DECISION

186/14 Moved Cr Sexton, seconded Cr Benn that the attached Delegation Register, with the deletion of delegation number FIRE004, be adopted in accordance with section 5.42 of the Local Government Act 1995.

CARRIED BY ABSOLUTE MAJORITY

7/1

REASON FOR CHANGE: The Council felt that the appointment of Bush Fire Control Officers is a Council responsibility and should not be delegated.

13.3 NATIONAL STRONGER REGIONS FUND – ROUND ONE

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Monday, 10 November 2014
FILE NO: GR.FDL.1
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

To seek Council endorsement for the lodgement of an application requesting approximately \$1.7M in matching funding to undertake housing/unit development and associated infrastructure works at Loton Close/Soldier & Pensioner Roads under the National Stronger Regions Fund (NSRF) – Round One which closes on 28 November 2014.

BACKGROUND

Council at its Briefing Session held 21 October 2014 were provided details of the NSRF and resulted in a number of projects being identified for possible consideration. It was noted that the Shire could only lodge one application per round. CEO met with Mr Simon Lyas – Executive Officer, RDA Great Southern on 27 October 2014 to discuss assessment criteria, guidelines, timelines, etc.

Senior Management together with the Senior Projects Officer and Development Services Coordinator met on Thursday, 30 October 2014 to consider Council's list of projects.

COMMENT

The NSRF guidelines encourage a tripartite approach whereby all three levels of government endeavour to work collaboratively with communities to invest in critical infrastructure projects with particular focus on assisting disadvantaged regions to achieve economic growth, increased investment and build partnerships which are viable and sustainable.

This means that Country Local Government and Roads to Recovery Funding specific to the project can be included in Council's application not just Local Government and not-for-profit contributions. Mr Lyas confirmed same in a telephone conversation with the CEO during the Senior Management Team meeting which can be referenced in the RDA Strategic Plan and GSDC Regional Economic Blueprint.

As a result, the Projects Development Team has identified the Loton Close/Soldier & Pensioner Roads Residential Development Project as an ideal Round One application seeking \$1.7M in NSRF matched by \$1.7M in CLGF, R2R and Council funding for the following reasons:

- VROC – Independent Living Unit (ILU) Business Plan clearly identified an urgent need for accommodation in Kojonup with a waiting list now exceeding 17 interested persons.
- Shire of Kojonup Workforce Plan and Community Strategic Plan identified;
 - a shortage of staff housing
 - “Fully Serviced” building lots for residential development
- Lack of residential lots prevents families from permanent residency in Kojonup which has a flow on affect regarding student numbers at Day Care, Kinder, Primary and Secondary levels.
- The Great Southern Economic Development Blueprint recognises the key challenges facing the region over the next 25 years as follows:
 - Population decline in some rural areas as listed by the Australian Bureau of Statistics average annual growth rate except for Cranbrook and Woodanilling.
 - Ageing population in sectors such as Agriculture, Forestry and Health Care risk losing a measurable proportion of their workforce over the next 10 years creating labour shortages and a loss of human capital which is a significant barrier to regional development.

- The *Australia 2020* Summit recognised a key challenge for regional Australia in the provision of improved infrastructure and technologies in the areas of transport, communication, power and water as a prerequisite for improving productivity and efficiencies and taking advantage of new opportunities let alone maintaining what already exists!
- Future agricultural investment for example by CBH will be determined by road/rail infrastructure and proximity to ports as the haulage of produce in the region underpins economic growth. Kojonup provides an important North/South, East/West link to the ports at Albany and Bunbury.

Should the Shires application be successful it would enable:

- Construction of 2 additional units and 1 staff house,
- Road widening/kerbing/footpaths and underground infrastructure such as sewer, power and stormwater to be fully installed for the Soldier Road and Loton Close Subdivision,
- Extension of the Pensioner Road Stormwater Piping upgrade between Gregory Street and Benn Parade and
- Reconstruction of Pensioner Road from Spring Street to Benn Parade.

CONSULTATION

Council Briefing Session – 21 October 2014

Simon Lyas – Executive Officer RDA Great Southern

Senior Management Meeting – 30 October 2014

STATUTORY REQUIREMENTS

Adherence to the Commonwealth Guidelines attached to the National Stronger Regions Funding programme.

POLICY IMPLICATIONS

Policy 1.3 – Provide Independent living for aged people in Kojonup

Policy 2.1.8 – Major Grant Applications - to assist Council in the sustainable delivery of infrastructure and ensure adequate matching financial resources are available.

Policy 2.2.8 – Housing Officers

FINANCIAL IMPLICATIONS

2014/2015 Budget makes provision for following funding allocations:

\$30,000	Subdivision Expenses	Council allocation
\$500,000	CEO House	VROC – CLGF (\$346,598) Council allocation (\$153,402)
\$858,750	VROC – ILU's	CLGF allocation
<u>\$22,000</u>	Springhaven Car Park	Council allocation
\$1,410,750		
<u>\$300,000</u>	Pensioner Road	Roads to Recovery 2015/2016 Allocation
<u>\$1,710,750</u>	Total Funding Allocation seeking \$ for \$ from NSRF	

STRATEGIC/CORPORATE IMPLICATIONS

Compliments Community Strategic Plan 2013 -2023

Corporate Business Plan 2013 – 2017 Strategies:

- 1.4.1.3 – Expand the footpath network to support pedestrian safety
- 1.4.2.2 – Improve Town Drainage Infrastructure
- 1.5.1.3 – Promote Kojonup as a place to live
- 1.5.2.4 – Improve disability access to infrastructure and services
- 1.6.2.2 – Identify land suitable for aged care unit development that will attract private investment and independent living aged care units
- 1.8.1 – Build local economic capacity to generate wealth and provide a variety of local employment opportunities

RISK MANAGEMENT IMPLICATIONS

Ability to meet Programme criteria including acquittal timeframes

Ensure itemised costs are accurate at the time of lodgement

Development Projects Team seeks qualified advice (where required) to substantiate application content

Existing projects not delayed until NSRF Round One decision made in May 2015

ASSET MANAGEMENT IMPLICATIONS

Long Term Financial Planning of infrastructure for future replacement/renewal

Building, Planning, Engineering Plans/approvals etc., obtained prior to commencement of project to support as constructed.

VOTING REQUIREMENTS

Simple Majority

5:17pm Cr Mathwin declared an interest and left the Chambers.

COUNCIL DECISION / OFFICER RECOMMENDATION

187/14 Moved Cr Fleay, seconded Cr Pritchard that Council endorse the Chief Executive Officer's report for the Shire of Kojonup to make a formal application to the National Stronger Regions Fund – Round One for a matching amount of \$1.7 million to undertake staff housing, Independent unit development and associated Road, Drainage, Power, Kerbing, Footpath, Sewer, Water and Stormwater infrastructure works at Loton Close, Soldier & Pensioner Roads.

CARRIED 7/0

5:24pm Cr Mathwin returned to the Chamber.

13.4 POLICY – REVIEW OF COUNCILLORS FEES & REIMBURSEMENTS

AUTHOR: Anthony Middleton – Manager of Corporate Services
DATE: Monday, 10 November 2014
FILE NO: GO.CLR.3
ATTACHMENT: 13.4 Updated Policy

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to review the Council Policy ‘Councillors Fees & Reimbursements’ in relation to the timing of payments to Councillors.

BACKGROUND

Council Policy 3.10 currently states that the payment of elected members fees and allowances shall occur in December and June each year.

COMMENT

Council Policy 3.10, in relation to the timing of the payment of Councillor fees and allowances, presently states:

- Councillor fees and allowances payments shall be paid on a bi-annual basis, in December and June.

This item has been discussed at Council briefing sessions and it is considered that quarterly payments would be more suitable, both to individual Councillors and to the administration and cash flow of the Shire.

As such, it is recommended that this dot point of the existing policy be changed to read:

- ‘Councillor fees and allowances shall be paid on a quarterly basis, in arrears’.

For accounting simplicity, these payments will occur in September, December, March and June. An updated policy showing this recommended change is attached.

CONSULTATION

The Shire President, Council briefing session and Chief Executive Officer have all been consulted on this issue.

STATUTORY REQUIREMENTS

Section 5.98 to 5.102 of the Local Government Act 1995 and Part 8 of the Local Government (Administration) Regulations 1996 legislate elected member fees and allowances generally.

POLICY IMPLICATIONS

This items recommends modification to an existing Council Policy.

FINANCIAL IMPLICATIONS

This item will have a minor effect on the cash flow of the Shire by smaller, yet more regular payments being made (four per year rather than two). This is insignificant and therefore considered that 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 1.1.4 Maintain robust systems and controls

RISK MANAGEMENT IMPLICATIONS

Robust systems and controls that integrate with delegations from the Council reduce the risks associated in the finance function of the Shire's operations.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

188/14 Moved Cr Sexton, seconded Cr Benn that the revised Council Policy 3.10, Councillors Fees and Reimbursements, as attached, be adopted.

CARRIED

8/0

3.10 COUNCILLORS FEES & REIMBURSEMENTS

Adopted or Reviewed by Council:

Council Minute Reference:

Reviewer: Chief Executive Officer

Local Law:

Procedure:

Delegation:

OBJECTIVE

To define elected member fees and allowances as determined by the *Local Government Act 1995*, *Local Government (Administration) Regulations 1996* and the *Salaries and Allowances Act 1975*.

To encourage elected members use of Council vehicles, where possible, for Council business.

POLICY

FEES AND ALLOWANCES

Elected member fees and allowances are set annually by the Salaries and Allowances Tribunal and are to be set at 75%, determined by the allocated band, of the maximum level permitted under the *Local Government Act 1995* and *Salaries and Allowances Act 1975*.

REIMBURSEMENT OF EXPENSES

Conferences

Council will pay for reasonable expenses incurred (including out of pocket expenses) in relation to nomination, travel and accommodation of any Councillor that is authorised by Council to attend a conference relating to Council Business. The President and Chief Executive Officer of the Shire shall approve the amount of expenses to be incurred.

Travel

Council will reimburse Councillors travelling expenses when attending Council Meetings, Committee Meetings, Advisory Committees and Council authorised meetings. Travel with the Shire President or Council Officer is encouraged where this is convenient and effective. If this is not convenient or effective the Councillor may claim the appropriate mileage allowance. Reimbursement will be at the current rate per kilometre in the Local Government Industry Award on presentation of a completed log book.

Out of Pocket Expenses

Reasonable out of pocket expenses will be reimbursed on presentation of a receipt to the Manager of Corporate Services.

ADMINISTRATION

- Councillors attending official Council meetings as an observer authorised by the Presiding Member or the Council in general will be entitled to travel reimbursement.
- Councillors may elect not to receive meeting fees and other allowances.
- Councillor fees and allowances shall be paid on a quarterly basis, in arrears.
- Payment of travel reimbursements and Out of Pocket expenses shall be made on application to the Manager of Corporate Services.
- Councillors attending Council related meetings in a private capacity are not entitled to travel reimbursement.
- Only one amount can be claimed for annual attendance fees, i.e. two positions cannot be added so as to get a higher figure.
- Updated allowances and sitting fees

14 COMMITTEES OF COUNCIL

14.1 KOJONUP BUSH FIRE ADVISORY COMMITTEE

COUNCIL DECISION / OFFICER RECOMMENDATION

189/14 Moved Cr Trethowan, seconded Cr Benn that the attached unconfirmed minutes of the Kojonup Bush Fire Advisory Committee held Monday 20th October 2014 be received by Council.

CARRIED 8/0

14.2 AUDIT COMMITTEE

COUNCIL DECISION / OFFICER RECOMMENDATION

190/14 Moved Cr Pritchard, seconded Cr Mathwin that the attached unconfirmed minutes of the Audit Committee held Tuesday 4th November 2014 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

Nil

18 NEXT MEETING

Tuesday, 9th December 2014 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 5:30pm.

20 ATTACHMENTS (SEPARATE)

- Item 10.1 Monthly Statement of Financial Activity
- Item 10.2 Monthly Payment Listing 01/10/2014 – 31/10/2014
- Item 10.4.1 Existing Policy
- Item 10.4.2 Proposed Policy
- Item 10.6 Corporate Services Council Policies
- Item 12.1.1 Site Plan - Locality Plan
- Item 12.1.2 Example Licences
- Item 12.1.3 Submissions
- Item 12.1.4 Sheep Saleyards Survey
- Item 12.1.5 Sheep Saleyards Survey Summary A
- Item 12.1.6 Sheep Saleyards Survey Summary B
- Item 12.1.7 Sheep Saleyards Survey Summary C
- Item 12.1.8 Code of Practice for Animals at Saleyards in Western Australia
- Item 12.1.9 Additional Submissions
- Item 12.1.10 Livestock Standstill Policy
- Item 12.1.11 Saleyards in Western Australia
- Item 12.1.12 Two Tabled Letters
- Item 12.3.1 Schedule of Submissions
- Item 12.3.2 Copy of Submissions
- Item 12.3.3 Guided Development Plan
- Item 12.4.1 Schedule of Submissions
- Item 12.4.2 Copy of Submissions
- Item 12.4.3 Guided Development Plan
- Item 13.2 Delegation Register
- Item 14.1 Unconfirmed Kojonup Bush Fire Advisory Committee Minutes – Monday 20th October 2014
- Item 14.2 Unconfirmed Audit Committee Minutes – Tuesday 4th November 2014

Presiding Member

Date