

SHIRE OF KOJONUP



Council Minutes

19th August 2014

SHIRE OF KOJONUP**MINUTES FOR THE COUNCIL MEETING HELD ON 19th August 2014****TABLE OF CONTENTS**

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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
Mr Phil Shephard	Town Planner
Miss Dominique Hodge	Personal Assistant to the CEO
Mr Robert Cowie	Administration/Regulatory Officer

Member of the Public	1
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APOLOGIES

Mrs Michelle Dennis	Development Services Coordinator
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Shire President welcomed home Cr Sexton & Cr Mathwin, and gave commiserations to Cr Radford on the loss of his Mother.

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

Nil

4 **PUBLIC QUESTION TIME**

Nil

5 **APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

6 **CONFIRMATION OF MINUTES**

ORDINARY MEETING 22nd July 2014

COUNCIL DECISION

123/14 Moved Cr Benn, seconded Cr Pritchard that the Minutes of the Ordinary Meeting of Council held on 22nd July 2014 be confirmed as a true record.

CARRIED 8/0

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

Nil

8 **PETITIONS, DEPUTATIONS & PRESENTATIONS**

Nil

9 **DECLARATIONS OF INTEREST**

Cr Mathwin declared an Interest in Item 12.2 and asked the Chief Executive Officer if she should declare as it is an interest in common. The Shire President advised that a declaration was not necessary.

10 CORPORATE SERVICES REPORTS**10.2 MONTHLY PAYMENTS LISTING**

AUTHOR: Brodie Hueppauff – Finance Officer
DATE: Monday, 11 August 2014
FILE NO: FM.AUT.1
ATTACHMENT: 10.2 Monthly Payment Listing 1/7/2014 – 31/7/2014

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments covering the period 1st July 2014 – 31st July 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

124/14 Moved Cr Mathwin, seconded Cr Pedler that in accordance with Regulation 13 (1) of the *Local Government (Financial Management) Regulations 1996*, the list of payments made under delegated authority from 1/7/2014 to 31/7/2014 comprising of Municipal Cheques 13165 to 13186, EFT's 12304 to 12489 and Direct Debits 1707 to 16540.1 totalling \$972,073.53 and as attached to this agenda, be received.

CARRIED**8/0**

11 WORKS & SERVICES REPORTS

Nil

12 COMMUNITY & REGULATORY SERVICES REPORTS**12.1 BUSH FIRE ASSOCIATION – APPOINTMENT OF DUAL FIRE OFFICER’S 2014/15 BUSHFIRE SEASON FOR SHIRE OF WEST ARTHUR**

AUTHOR: Robert Cowie – Administration/Regulatory Officer
DATE: Friday, 8 August 2014
FILE NO: ES.REG.1
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

To endorse the appointment of Dual Fire Control Officers for the Shire of West Arthur for the 2014/2015 bushfire season.

BACKGROUND

Provides flexibility and protocols for the timely response to bushfires near Shire boundaries.

COMMENT

Following a request from Nicole Wasmann, Chief Executive Officer of West Arthur, I recommend that the following person be appointed as Dual Fire Control Officer within the Shire of Kojonup for the respective brigade for the 2014/2015 bushfire season.

Jamie Park

FCO

Duranillin Brigade

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Section 38 & 40 of the *Bush Fires Act 1954*

POLICY IMPLICATIONS

There are no known Shire of Kojonup policy implications.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC/CORPORATE IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

125/14 Moved Cr Sexton, seconded Cr Radford that the Council endorse the nomination of the below listed officer to the position of Dual Fire Control Officer for the 2014/15 bushfire season.

Shire of West Arthur:

Jamie Park

FCO

Duranillin Brigade

CARRIED 8/0

12.2 DISABILITY ACCESS & INCLUSION PLAN 2014-2019

AUTHOR: Joanne Macri – Community Services Officer
Mort Wignall – Manager of Regulatory & Community Services
DATE: Friday, 8 August 2014
FILE NO: CS.SVP.4
ATTACHMENT: 12.2 Shire of Kojonup Disability Access & Inclusion Plan 2014-2019

DECLARATION OF INTEREST

Nil

SUMMARY

To adopt the reviewed Shire of Kojonup Disability Access and Inclusion Plan 2014-2019, as attached to this agenda.

BACKGROUND

The *Disability Services Act 1993* requires Local and State Government authorities to develop and implement a Disability Access and Inclusion Plan (DAIP) that will further both the principles and the objectives of the Act.

Development of a plan ensures people with disabilities can access services provided by Local Governments in Western Australia and that these services facilitate increased independence, opportunities and inclusion for people with disabilities in the community.

To comply with the current act, a Local Government is required to:

- develop and implement a DAIP;
- ensure staff, officers, agents and contractors implement the plan;
- consult and promote the plan;
- review and lodge the plan at least every five years;
- report to the Commission every time the DAIP is reviewed or amended;
- report to the Commission progress in implementing the DAIP each year; and
- describe DAIP activities in your Annual Report.

Local Governments in Western Australia have over the years responded to the needs of people with disabilities in a variety of ways. The Development and implementation of Disability Service Plans between 1995 and 2005 enabled Local Governments to build on these past achievements by planning systematically to make their services and facilities as accessible as possible to people with disabilities.

A key responsibility of Local Government is ensuring that developers meet the mandatory access requirements of the Building Code of Australia (BCA) and that their awareness of access needs for the disabled is maintained.

The amendments to the Disability Services Act in 2004 contain new requirements which will build upon the changes and achievements of the past decade. Disability Access and Inclusion Plans (DAIPs) provide the framework through which Local Governments can move into the next phase of creating accessible and inclusive communities.

COMMENT

Council is required as part of the legislative requirements in undertaking a review of their DAIP to seek feedback from the community. Notice of our intention to review the plan was placed in the Kojonup News on the 1st August 2014 as well as the Shire website inviting comments/feedback by 8th August. A copy of the plan was also available at Council's administration office for perusal by interested persons. Feedback was received from one resident who was complimentary of the plan review and whose comments are reflected in the final document as attached to this agenda.

Once the DAIP is officially endorsed by the Disability Services Commission we are required to inform the public of its existence through an advertisement in a local newspaper and having a copy available on our website.

Council has an ongoing commitment to implementing actions outlined in their DAIP and the reviewed plan will ensure continuity and ongoing improvement in providing for the needs of people with a disability who reside in or visit our community.

CONSULTATION

A consultation process was conducted as part of the development of the plan. This included consultation with staff, an elected member of Council, community members including people with disabilities, their families and carers and service providers.

STATUTORY REQUIREMENTS

Disability Services Act 1993

Equal Opportunity Act 1984

Commonwealth Disability Discrimination Act 1991

POLICY IMPLICATIONS

The Shire's policy and commitment to people with disability is encompassed within the vision for the whole community: "A safe community to live, work, play and prosper."

FINANCIAL IMPLICATIONS

Budget allocations for building maintenance, special projects, services and amenities etc. are inclusive of costs that ensures compliance with the Disability Services Act legislative requirements and our Disability Access and Inclusion Plan.

STRATEGIC/CORPORATE IMPLICATIONS

Corporate Business Plan 2013-2017 Strategy 1.5.2.4 Improve Disability Access to Infrastructure & Services.

RISK MANAGEMENT IMPLICATIONS

Ensure compliance with legislation by undertaking control measures as per the Asset Management and Long Term Financial Plans.

ASSET MANAGEMENT IMPLICATIONS

Council to be aware of DAIP objectives when considering upgrades or improvements to existing facilities.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council adopt the reviewed of the Shire of Kojonup Disability Access and Inclusion Plan 2014-2019, following which the plan be submitted to the Disability Services Commission for their endorsement.

COUNCIL DECISION

126/14 Moved Cr Pritchard, seconded Cr Mathwin that Council adopt the reviewed Shire of Kojonup Disability Access and Inclusion Plan 2014-2019, following which the plan be submitted to the Disability Services Commission for their endorsement.

CARRIED

8/0

REASON FOR CHANGE: The words “of the” were removed to improve the motion.

12.3 KOJONUP RECYCLED WATER SUPPLY – RECYCLED WATER QUALITY MANAGEMENT PLAN

AUTHOR: Michelle Dennis – Development Services Coordinator
DATE: Friday, 8th August 2014
FILE NO: WS.MON.1
ATTACHMENT: 12.3 Kojonup Recycled Water Supply - Recycled Water Quality Management Plan (RWQMP)

DECLARATION OF INTEREST

Nil

SUMMARY

To endorse the Shire's draft Recycled Water Supply – Recycled Water Quality Management Plan (RWQMP) for submission to the Department of Health for comment.

BACKGROUND

Since 1993 the Shire of Kojonup has accessed treated wastewater from the Water Corporation's wastewater treatment plant, pumping it to the Turkey Nest for watering of the Town Oval.

In 2011, the Department of Health introduced the *Guidelines for the Non-potable Uses of Recycled Water in Western Australia*. This resulted in assessment of all existing Recycled Water Schemes within the State. For Kojonup, the assessment identified some necessary improvements, including the requirement to develop a RWQMP. The Department of Health has subsequently amended the existing operating licence to reflect the required improvements.

COMMENT

Shire officers, with assistance from the Water Corporation's Environmental Coordinator, have developed the attached draft RWQMP. The RWQMP is complete except for the "Process Control Table" and "Layout of the Reuse Scheme" (ie Appendices 1 and 6) which will be developed on finalisation of the waste water reuse scheme upgrades planned to be completed this financial year.

The RWQMP has been prepared in accordance with the Department's Guidelines, outlining the roles and responsibilities of both the Water Corporation, as the supplier of the water, and the Shire, as the end user of the recycled water. It also sets out the quality standards for the water being used in order to minimise the risks to public health.

The Shire is required to provide the Department of Health with a copy of the draft RWQMP for comment, prior to final adoption.

For Council's information, this plan will have operational implications, requiring a commitment to training, monitoring and reporting. It is considered that these activities are already occurring, however are now formalised by documentation and more readily able to be captured and reported against. It is also considered that it will strengthen cooperation between the Shire and the Water Corporation into the future.

CONSULTATION

Sue Mills, Water Corporation Environmental Coordinator;
Craig McVee, Manager of Works & Services;
Mort Wignall, Manager of Regulatory & Community Services; and
Sophie Marinoni, Policy, Planning & Governance Officer.

STATUTORY REQUIREMENTS

Health Act 1911

POLICY IMPLICATIONS

The introduction of the RWQMP will require amendments to the Shire's Staff Induction Manual.

The acknowledgement of the use of recycled waste water should also be included in any future user agreements of the Town Oval and Sporting Complex to improve community awareness to assist to minimise human (and pet) contact with the waste water.

FINANCIAL IMPLICATIONS

Provisional sums for recommended immunizations for relevant operation staff have been included in the 2014/2015 budget. Provision for the proposed upgrades have also been included as part of the Southern Link VROC (Voluntary Regional Organisation of Councils) project currently being undertaken.

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 RWQMP is considered a regulatory and operational component towards this commitment. It is also a component of the overall Regional project being undertaken with the Shire's Southern Link VROC partners (i.e. 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 RWQMP acknowledges the public health risks associated with the use of reclaimed effluent and provides measures to manage these risks which will be linked to Council's Risk Management Plan.

The RWQMP assists to meet the licensing requirements of the Department of Health to enable the continued operation of the Scheme for the watering of the Town Oval.

ASSET MANAGEMENT IMPLICATIONS

The Town Oval is integral to the operation of the community's successful sporting clubs. The use of recycled water assists the Shire to maintain this asset more cost effectively than having to rely on Scheme Water alone.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Endorse the Draft Kojonup Recycled Water Supply – Recycled Water Quality Management Plan (RWQMP).
2. Authorise the Chief Executive Officer to submit the Draft Kojonup Recycled Water Supply – Recycled Water Quality Management Plan (RWQMP) to the Department of Health for comment.
3. Acknowledge the assistance provided by the Water Corporation, particularly their Environmental Coordinator, in the development of the Draft Kojonup Recycled Water Supply – Recycled Water Quality Management Plan (RWQMP).

COUNCIL DECISION**127/14 Moved Cr Benn, seconded Cr Pritchard that Council:**

- 1. Endorse the Draft Kojonup Recycled Water Supply – Recycled Water Quality Management Plan (RWQMP).**
- 2. Authorise the Chief Executive Officer to submit the Draft Kojonup Recycled Water Supply – Recycled Water Quality Management Plan (RWQMP) to the Department of Health for comment.**
- 3. Acknowledge the assistance provided by the Water Corporation, particularly their Environmental Coordinator, in the development of the Draft Kojonup Recycled Water Supply – Recycled Water Quality Management Plan (RWQMP).**
- 4. The RWQMP be amended to read that “Kojonup is a three hour drive from Perth”.**

CARRIED 8/0

REASON FOR CHANGE: The Council felt that the Disability Access & Inclusion Plan (DAIP) and the Kojonup Recycled Water Supply – Recycled Water Quality Management Plan (RWQMP) should be consistent and both show that Kojonup is a 3 hour drive from Perth.

12.4 INITIATE SCHEME AMENDMENT TO INCLUDE ADDITIONAL POWERS TO VARY/MODIFY APPROVALS, DEAL WITH EXISTING UNAUTHORISED DEVELOPMENTS, LIMIT PLANNING APPROVAL ETC.

AUTHOR: Phil Shephard – Town Planner
DATE: Friday, 8 August 2014
FILE NO: LP.PLN.4
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider including additional scheme powers within the existing Town Planning Scheme No. 3.

BACKGROUND

The Shire has been requested by Moonies Hill Energy to consider extending the period of planning approval for the wind farm. The existing Town Planning Scheme No. 3 does not contain any provisions that enables Council to extend any approval.

The Model Scheme Text contained in the *Town Planning Regulations 1967* includes a number of standard provisions including one that would enable the Council to consider an extension to an existing approval.

COMMENT

Staff have used the request to review the existing scheme controls and identified a number of improvements that can be made. The amendment is considered necessary to ensure that the existing Town Planning Scheme No. 3 is updated to reflect the controls available in more contemporary town planning schemes. These controls will be included in the proposed new Local Planning Scheme No. 4 which is being prepared by staff.

The proposed scheme provisions have been taken from the Model Scheme Text provisions contained in the *Town Planning Regulations 1967* which sets out the standard provisions to be used in all local planning schemes prepared in the State.

The new provisions deal with amending or revoking a planning approval, unauthorised existing developments, term of planning approval, scope of planning approval, approval subject to later approval of details. Some other changes are recommended to the planning approval form and including a definition of substantially commenced.

The proposed new clauses would be as follows:

Amending or revoking a planning approval

The local government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.

Unauthorised existing developments

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

Note: The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for a breach of the Scheme

or the Act in respect of the commencement or carrying out of development without planning approval.

Term of planning approval

- a) *Where the local government grants planning approval for the development of land —*
 - i. *the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and*
 - ii. *the approval lapses if the development has not substantially commenced before the expiration of that period.*
- b) *A written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in subclause a).*

Scope of planning approval

Planning approval may be granted —

- a) *for the use or development for which the approval is sought;*
- b) *for that use or development, except for a specified part or aspect of that use or development;*
- or*
- c) *for a specified part or aspect of that use or development.*

Approval subject to later approval of details

- a) *Where an application is for a development that includes the carrying out of any building or works, the local government may grant approval subject to matters requiring the subsequent planning approval of the local government. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping, and such other matters as the local government thinks fit.*
- b) *In respect of an approval requiring subsequent planning approval, the local government may require such further details as it thinks fit prior to considering the application.*
- c) *Where the local government has granted approval subject to matters requiring the later planning approval of the local government, an application for approval of those matters must be made not later than 2 years after the date of the determination of the first approval, or such other period as is specified in the approval.*

It is also proposed to alter the existing planning notice form by deleting the existing note at the bottom of Schedule III(c) and replacing it as follows:

- Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.*
- Note 2: Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.*
- Note 3: If an applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005. An application must be made within 28 days of the determination.*

Council may choose not to include all of the suggested changes/provisions if considered necessary.

CONSULTATION

If initiated by Council, in accordance with the requirements of the *Planning and Development Act 2005*, the amendment will be firstly referred to the Environmental Protection Authority (EPA) for their assessment.

Upon receiving clearance from the EPA, the amendment will then be advertised for a period of 42-days to allow for comment from the public and government agencies.

STATUTORY REQUIREMENTS

The *Planning and Development Act 2005 & Town Planning Regulations 1967* sets out the procedures to undertake an amendment to a Local Planning Scheme including referral to EPA, public notice period, referral to WAPC and Minister's decision-making powers.

POLICY IMPLICATIONS

Present provision inhibit flexibility within Town Planning Scheme.

FINANCIAL IMPLICATIONS

The administration and advertising costs associated with the amendment are covered within the 2014/2015 budget.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013-2023 Focus Area 1.8 – Building Prosperity

Corporate Business Plan 2013-2017 Strategy 1.8.1 – Building local economic capacity to generate wealth and provide a variety of local employment opportunities.

RISK MANAGEMENT IMPLICATIONS

An inability to vary approval conditions or timeframes may deter large scale investment projects, where local planning approval is only one of many other statutory approvals required, but an essential component of a business plan.

ASSET MANAGEMENT IMPLICATIONS

The item does not affect the Asset Management Plan.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

128/14 Moved Cr Trethowan, seconded Cr Radford that Council pursuant to the *Planning and Development Act 2005* initiate an amendment to Town Planning Scheme No. 3 to include additional scheme powers to deal with amending or revoking a planning approval, unauthorised existing developments, term of planning approval, scope of planning approval and approval subject to later approval of details and other minor changes to the planning approval form and include a definition of substantially commenced.

CARRIED 8/0

13 EXECUTIVE & GOVERNANCE REPORTS

Nil

14 COMMITTEES OF COUNCIL

14.1 KODJA PLACE ADVISORY COMMITTEE

COUNCIL DECISION / OFFICER RECOMMENDATION

129/14 Moved Cr Mathwin, seconded Cr Benn that the attached unconfirmed minutes of the Kodja Place Advisory Committee held Thursday 24th July 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, 16th September 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 3:15pm.

20 ATTACHMENTS (SEPARATE)

- Item 10.2 Monthly Payment Listing 1/7/2014 – 31/7/2014
- Item 12.2 Shire of Kojonup Disability Access & Inclusion Plan 2014-2019
- Item 12.3 Kojonup Recycled Water Supply - Recycled Water Quality Management Plan (RWQMP)
- Item 14.1 Unconfirmed Kodja Place Advisory Committee Minutes – Thursday 24th July 2014

Presiding Member

Date