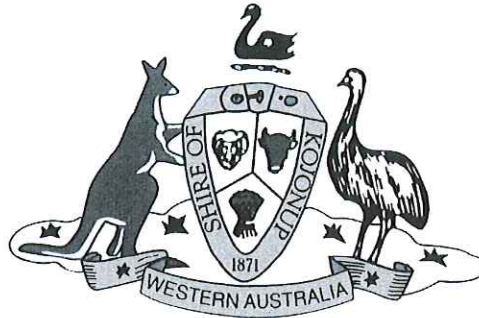


# SHIRE OF KOJONUP



## Council Agenda

*19<sup>th</sup> May 2014*

**TO: THE SHIRE PRESIDENT AND COUNCILLORS**

NOTICE is given that a meeting of the Council will be held in Council Chambers, Administration Building Albany Highway, Kojonup on Monday 19<sup>th</sup> May 2014 commencing at 3:00pm.

Qualified Persons Advice etc.

I certify that with respect to all advice, information or recommendation provided to the Council in or with this agenda:

- i. The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- ii. Where any advice is directly given by a person who does not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.

Your attendance is respectfully requested.

**RICK MITCHELL-COLLINS**  
**CHIEF EXECUTIVE OFFICER**

*15* May 2014

**SHIRE OF KOJONUP****AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 19<sup>th</sup> May 2014****TABLE OF CONTENTS**

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## A G E N D A

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

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

*Disclaimer*

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

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

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

### **2 ATTENDANCE & APOLOGIES**

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

Mr Rick Mitchell-Collins	Chief Executive Officer
Mr Anthony Middleton	Manager of Corporate Services
Mr Mort Wignall	Manager of Regulatory & Community Services
Miss Dominique Hodge	Personal Assistant to the CEO
Mrs Heather Marland	Senior Finance Officer
Mr Robert Cowie	Administration/Regulatory Officer
Miss Sophie Knight	Policy, Planning and Governance Officer

#### **APOLOGIES**

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

Nil



**8      PETITIONS, DEPUTATIONS & PRESENTATIONS**

**9      DECLARATIONS OF INTEREST**

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

AUTHOR: Anthony Middleton – Manager of Corporate Services  
DATE: Tuesday, 13 May 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 30 April 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.

**COMMENTS**

The attached Statement of Financial Activity for the period 1 July 2013 to 30 April 2014 represents ten (10) months, or 83% of the year.

Page 7 of the statements details major variations from year to date budgets.

**CONSULTATION**

Nil.

**STATUTORY ENVIRONMENT**

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 IMPLICATIONS**

Community Strategic Plan 2013-2023 Focus Area 1 - Being Well Governed.

Draft Corporate Business Plan 2013-2017

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

Strategy 1.1.4 Maintain robust systems and controls.

**VOTING REQUIREMENTS**

Simple Majority



## 10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Brodie Hueppauff – Finance Officer  
DATE: Friday, 9 May 2014  
FILE NO: FM.AUT.1  
**ATTACHMENT:** 10.2 Monthly Payment Listing 1/4/2014 – 30/4/2014

### **DECLARATION OF INTEREST**

Nil

### **SUMMARY**

To receive the list of payments covering the period 1<sup>st</sup> April 2014 to 30<sup>th</sup> April 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 ENVIRONMENT**

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 IMPLICATIONS**

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

### **VOTING REQUIREMENTS**

Simple Majority





### 10.3 PROPOSED SALE OF PROPERTY DUE TO UNPAID RATES – LOTS 10-13 BRIDGES ROAD, JINGALUP

AUTHOR: Heather Marland – Senior Finance Officer  
 DATE: Friday, 9 May 2014  
 FILE NO: A5173, A5181, A5199 and A7901  
 ATTACHMENT: Nil

#### DECLARATION OF INTEREST

Nil

#### SUMMARY

Council is requested to approve the sale of 4 properties which have rates in arrears by 3 or more years, and recover from the proceeds of sale the outstanding balance of \$30,509.77.

#### BACKGROUND

There are currently several properties that have rates outstanding by three or more years for which it has not been possible to enter into acceptable and successful arrangements for the payment of the balance owing. However this item is only dealing with 1 property owner who owns 4 locations. The following is a brief history of the legal action taken to date.

Assessment	5173, 5181, 5199 & 5207 Lots 10-13 Bridges Road, Jingalup
Zoning	Rural
Amount Outstanding	\$6,953.63, \$7,827.50, \$7,827.50 and \$7,901.14
Period Outstanding	Non-compliant since July 2004
Last Payment	\$300.00 13/12/2010 split between the 4 assessments
Recovery Action	May 2006 Demand Letter Austral Mercantile
	Dec 2006 Summons Issued Matter # 357730, 357731, 357732
	and 357733
	Nov 2007 Demand Letter Austral Mercantile
	Nov 2008 Summons Issued Matter #670297, 670298, 670300
	and 670301
	Feb 2011 Demand Letter Austral Mercantile
	Nov 2011 Demand Letter Austral Mercantile
	Dec 2012 Demand Letter Austral Mercantile
	Jan 2013 Summons Issued Matter #1158946, 1158947,
	1158948 and 1158949

NB: In addition to the above action, each year a final notice and reminder letter have been issued to the address provided.

#### COMMENT

The properties in question are four adjoining locations at Jingalup, three of which are vacant land and one A5199 contains a house. Each location has its own assessment and all are rated the minimum rates. The ratepayer has been contacted on many occasions about outstanding rates over the years and at various times upon receiving legal action entered into payment arrangements which have not been continued. From April 2009 until December 2010 the property was tenanted. The tenant was paying the rental amount to the Shire during that time. A vehicle accident in late 2010 saw the owners return to the property and payments ceased. There have been promises that upon receipt of the payout from the accident all rates will be paid in full. It is believed that the claim has now been settled and no payment to the shire has been made. The ratepayer had been advised that if they applied to contiguously value their property they would only receive one rate notice hence reducing future rates to 1/4. No application has been received. In March 2014 the Shires debt collection agency Austral Mercantile were advised by the owner that they are in receipt of a pension. No pensioner application has been received by the shire at the time of writing this report.

**CONSULTATION**

Austral Mercantile.

Manager of Corporate Services.

**STATUTORY ENVIRONMENT**

Section 6.64 of the Local Government Act 1995 provides that, if any rates or service charges due to a local government have been unpaid for at least three years, the local government may take possession of the land and proceed to sell the land. Section 6.68 (1) of the Local Government Act 1995 prevents the local government from exercising the power of sale unless the local government has at least once attempted to recover money due to it under 6.56 of the Local Government Act 1995.

In order to take possession of the property and proceed with its sale, Council must cause notice requiring the payment of rates under Schedule 6.3 of the Local Government Act 1995. Such notice is also to be served on any party with an interest in the land. This includes the mortgagee and is to be posted on the Shires official notice board for a period of not less than 35 days. If at the expiration of three months from the date of issue of this notice the rates remain unpaid, the Shire of Kojonup may proceed with selling the land by public auction, with such auction to occur not more than 12 months from the date of the notice.

If the matter takes this course and the property is sold by public auction, under Clause 5 of the Schedule 6.3 of the Local Government Act 1995, the outstanding rates, any additional legal expenses and the cost of the sale or incidental to the sale of the property can be recovered by the Shire. Any residual amount from the sale of the properties is to be held by the Shire in the event of the owners or associated parties making a claim. If after 12 months the amount has not been claimed, the residual funds are to be paid to the Supreme Court under Section 99 of the Trustees Act.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

There will be positive financial implications for Council as all outstanding rates and service charges will be able to be recovered from the proceeds of the sale together with any additional costs associated with further legal action plus the costs of sale of the property or incidental to the sale of the property. The Department of Local Government have issued a new guideline No 22 Possession of Land for Recovery of Rates and Services. To ensure that the sale complies with the act the following checklist is included in the guideline.

**Recovery Procedure**

- Step 1- Notify owners and interested parties in writing of Council's intention to sell the land in order to recover rates under Section 6.64 of the Local Government Act. Allow 10 days for a response.
- Step 2 - Issue a Notice Requiring Payment (Form 4) to be served on the owner as per the owner's address shown on the Certificate of Title. The owner is given 3 months in which to pay and avoid her land being sold. *Section 6.68 (3) Schedule 6.3.1 (1)(a)*
- Step 3 - Serve a copy of the Notice Requiring Payment (Form 4) on anyone with an estate or interest in the property.  
*Schedule 6.3.1 (1) (b)*
- Step 4 - A copy of the Notice Requiring Payment (Form 4) be displayed on Council's official noticeboard for a minimum of 35 days ensuring that the notice be duly stamped with the

date first displayed and the date removed – showing signature of authorised person plus witness.

*Schedule 6.3.1 (1)(c)*

Step 5 - Serve a copy of Form 2 to the owners (*Section 6.64 (2) Reg 72*) and also attached a copy of Form 3 to a conspicuous part of the land in order to take possession of the land. Obtain an affidavit of service regarding Form 3.

*Section 6.64 (2) Reg 73*

Step 6 - Council is to appoint a time no less than 3 months and no more than 12 months after service of the Notice Requiring Payment (Form 4) for the public auction. A sale has to happen within 12 months of the date the land is offered for sale or proceedings lapse.

*Schedule 6.3.7*

Step 7 - Issue a statewide public notice (*usually issued in the West Australian – Form 5*).

Step 8 - Register at Landgate a Memorial of the Statewide public notice.

*Schedule 6.3.2 (3)*

Step 9 - Organise the auction (*note schedule 6.3.3*).

#### **STRATEGIC IMPLICATIONS**

Nil

#### **VOTING REQUIREMENTS**

Simple Majority

#### **OFFICER RECOMMENDATION**

**That in accordance with section 6.64 of the Local Government Act that the Council approve administrative action via AMcap to recover unpaid rates and charges by the sale of the land in respect to property at Lots 10, 11, 12 and 13 Bridges Road, Jingalup.**

#### **COUNCIL DECISION**

/14 Moved Cr , seconded Cr

CARRIED/LOST

/

#### 10.4 PROPOSED SALE OF PROPERTY DUE TO UNPAID RATES – 8 MCBRIDE PLACE, KOJONUP

AUTHOR: Heather Marland – Senior Finance Officer  
 DATE: Friday, 9 May 2014  
 FILE NO: A9696  
 ATTACHMENT: Nil

#### DECLARATION OF INTEREST

Nil

#### SUMMARY

Council is requested to approve the sale of 1 property which have rates in arrears by 3 or more years, and recover from the proceeds of sale the outstanding balance of \$10,922.60.

#### BACKGROUND

There are currently several properties that have rates outstanding by three or more years for which it has not been possible to enter into acceptable and successful arrangements for the payment of the balance owing. However this item is only dealing with 1 property owner whom it has been difficult to contact. The property is vacant land and it has been difficult to locate his residential address at times. The following is a brief history of the legal action taken to date.

Assessment	9696 - 8 McBride Place, Kojonup
Zoning	Residential
Amount Outstanding	\$10,922.60
Period Outstanding	Non-compliant since 30 June 2004
Last Payment	\$300 26 October 2010
Recovery Action	May 2006 Demand Letter Austral Mercantile
	Dec 2006 Summons Issued Matter #357827
	Nov 2007 Demand Letter Austral Mercantile
	Nov 2008 Summons Issued Matter #670310
	Oct 2009 Demand Letter Austral Mercantile
	Nov 2009 Summons Issued Matter #774728
	Nov 2011 Demand Letter Austral Mercantile
	Dec 2012 Demand Letter Austral Mercantile
	Jan 2013 Summons Issued Matter #1158959

NB: In addition to the above action, each year a final notice and reminder letter have been issued to the address provided.

#### COMMENT

The property in question is a vacant block surrounded by other vacant blocks. The block was given to the owner by his father in August 2003. Numerous attempts have been made to issue a summons; these have not always been successfully handed to the owner as he has not had a consistent fixed abode. With the property being vacant land and the area in which it is situated, if the property is not sold in a timely manner the Shire may not realise the required funds to fully cover the outstanding rates.

#### CONSULTATION

Austral Mercantile.  
 Manager of Corporate Services.

#### STATUTORY ENVIRONMENT

Section 6.64 of the Local Government Act 1995 provides that, if any rates or service charges due to a local government have been unpaid for at least three years, the local government may take possession of the land and proceed to sell the land. Section 6.68 (1) of the Local Government Act

1995 prevents the local government from exercising the power of sale unless the local government has at least once attempted to recover money due to it under 6.56 of the Local Government Act 1995.

In order to take possession of the property and proceed with its sale, Council must cause notice requiring the payment of rates under Schedule 6.3 of the Local Government Act 1995. Such notice is also to be served on any party with an interest in the land. This includes the mortgagee and is to be posted on the Shires official notice board for a period of not less than 35 days. If at the expiration of three months from the date of issue of this notice the rates remain unpaid, the Shire of Kojonup may proceed with selling the land by public auction, with such auction to occur not more than 12 months from the date of the notice.

If the matter takes this course and the property is sold by public auction, under Clause 5 of the Schedule 6.3 of the Local Government Act 1995, the outstanding rates, any additional legal expenses and the cost of the sale or incidental to the sale of the property can be recovered by the Shire. Any residual amount from the sale of the properties is to be held by the Shire in the event of the owners or associated parties making a claim. If after 12 months the amount has not been claimed, the residual funds are to be paid to the Supreme Court under Section 99 of the Trustees Act.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

There will be positive financial implications for Council as all outstanding rates and service charges will be able to be recovered from the proceeds of the sale together with any additional costs associated with further legal action plus the costs of sale of the property or incidental to the sale of the property. The Department of Local Government have issued a new guideline No 22 Possession of Land for Recovery of Rates and Services. To ensure that the sale complies with the act the following checklist is included in the guideline.

### Recovery Procedure

- Step 1- Notify owners and interested parties in writing of Council's intention to sell the land in order to recover rates under Section 6.64 of the Local Government Act. Allow 10 days for a response.
- Step 2 - Issue a Notice Requiring Payment (Form 4) to be served on the owner as per the owner's address shown on the Certificate of Title. The owner is given 3 months in which to pay and avoid his land being sold. *Section 6.68 (3) Schedule 6.3.1 (1)(a)*
- Step 3 - Serve a copy of the Notice Requiring Payment (Form 4) on anyone with an estate or interest in the property.  
*Schedule 6.3.1 (1) (b)*
- Step 4 - A copy of the Notice Requiring Payment (Form 4) be displayed on Council's official noticeboard for a minimum of 35 days ensuring that the notice be duly stamped with the date first displayed and the date removed – showing signature of authorised person plus witness.  
*Schedule 6.3.1 (1)(c)*
- Step 5 - Serve a copy of Form 2 to the owners (*Section 6.64 (2) Reg 72*) and also attached a copy of Form 3 to a conspicuous part of the land in order to take possession of the land. Obtain an affidavit of service regarding Form 3.  
*Section 6.64 (2) Reg 73*

CARRIED/LOST /

## 10.5 PROPOSED SALE OF PROPERTY DUE TO UNPAID RATES – 155 ALBANY HIGHWAY, KOJONUP

AUTHOR: Heather Marland – Senior Finance Officer  
 DATE: Friday, 9 May 2014  
 FILE NO: A5983  
 ATTACHMENT: Nil

### DECLARATION OF INTEREST

Nil

### SUMMARY

Council is requested to approve the sale of 1 property which has rates in arrears by 3 or more years, and recover from the proceeds of sale the outstanding balance of \$8,412.15

### BACKGROUND

There are currently several properties that have rates outstanding by three or more years for which it has not been possible to enter into acceptable and successful arrangements for the payment of the balance owing. However this item is only dealing with 1 property owner whom it has been difficult to contact. The owner of the property has paid rates once since purchasing the property in July 2008. The following is a brief history of the legal action taken to date.

Assessment	5983 - 155 Albany Highway, Kojonup
Zoning	Residential
Amount Outstanding	\$8,412.15
Period Outstanding	September 2008
Last Payment	\$539.28 - 1 August 2008
Recovery Action	Oct 2009 Demand Letter Austral Mercantile
	Nov 2009 Summons Issued Matter # 774736
	Feb 2011 Demand Letter Austral Mercantile
	Dec 2011 Summons Issued Matter # 86529
	Dec 2012 Demand Letter Austral Mercantile
	Jan 2013 Summons Issued Matter #1158967
	July 2013 PSSO issued

NB: In addition to the above action, each year a final notice and reminder letter have been issued to the address provided.

### COMMENT

Despite letters from both the Shire and Councils debt collection agency Austral Mercantile the owners have failed to make contact regarding their outstanding rates. It is believed that the property is currently tenanted. In July 2013 a PSSO (Property Seizure and Sale Order) was issued.

The bailiff seized a Mitsubishi Pajero in lieu of payment. The vehicle was not registered to the property owner and consequently returned to the property.

The property owner has still not made contact with the shire.

### CONSULTATION

Austral Mercantile.

Manager of Corporate Services.

### STATUTORY ENVIRONMENT

Section 6.64 of the Local Government Act 1995 provides that, if any rates or service charges due to a local government have been unpaid for at least three years, the local government may take possession of the land and proceed to sell the land. Section 6.68 (1) of the Local Government Act 1995 prevents the local government from exercising the power of sale unless the local government has at least once attempted to recover money due to it under 6.56 of the Local Government Act 1995.



In order to take possession of the property and proceed with its sale, Council must cause notice requiring the payment of rates under Schedule 6.3 of the Local Government Act 1995. Such notice is also to be served on any party with an interest in the land. This includes the mortgagee and is to be posted on the Shires official notice board for a period of not less than 35 days. If at the expiration of three months from the date of issue of this notice the rates remain unpaid, the Shire of Kojonup may proceed with selling the land by public auction, with such auction to occur not more than 12 months from the date of the notice.

If the matter takes this course and the property is sold by public auction, under Clause 5 of the Schedule 6.3 of the Local Government Act 1995, the outstanding rates, any additional legal expenses and the cost of the sale or incidental to the sale of the property can be recovered by the Shire. Any residual amount from the sale of the properties is to be held by the Shire in the event of the owners or associated parties making a claim. If after 12 months the amount has not been claimed, the residual funds are to be paid to the Supreme Court under Section 99 of the Trustees Act.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

There will be positive financial implications for Council as all outstanding rates and service charges will be able to be recovered from the proceeds of the sale together with any additional costs associated with further legal action plus the costs of sale of the property or incidental to the sale of the property. The Department of Local Government have issued a new guideline No 22 Possession of Land for Recovery of Rates and Services. To ensure that the sale complies with the act the following checklist is included in the guideline.

#### Recovery Procedure

- Step 1- Notify owners and interested parties in writing of Council's intention to sell the land in order to recover rates under Section 6.64 of the Local Government Act. Allow 10 days for a response.
- Step 2 - Issue a Notice Requiring Payment (Form 4) to be served on the owner as per the owner's address shown on the Certificate of Title. The owner is given 3 months in which to pay and avoid his land being sold. *Section 6.68 (3) Schedule 6.3.1 (1)(a)*
- Step 3 - Serve a copy of the Notice Requiring Payment (Form 4) on anyone with an estate or interest in the property.  
*Schedule 6.3.1 (1) (b)*
- Step 4 - A copy of the Notice Requiring Payment (Form 4) be displayed on Council's official noticeboard for a minimum of 35 days ensuring that the notice be duly stamped with the date first displayed and the date removed – showing signature of authorised person plus witness.  
*Schedule 6.3.1 (1)(c)*
- Step 5 - Serve a copy of Form 2 to the owners (*Section 6.64 (2) Reg 72*) and also attached a copy of Form 3 to a conspicuous part of the land in order to take possession of the land. Obtain an affidavit of service regarding Form 3.  
*Section 6.64 (2) Reg 73*
- Step 6 - Council is to appoint a time no less than 3 months and no more than 12 months after service of the Notice Requiring Payment (Form 4) for the public auction. A sale has to happen within 12 months of the date the land is offered for sale or proceedings lapse.



## 10.6 PROPOSED SALE OF PROPERTY DUE TO UNPAID RATES – 147 ALBANY HIGHWAY, KOJONUP

AUTHOR: Heather Marland – Senior Finance Officer  
 DATE: Friday, 9 May 2014  
 FILE NO: A7518  
 ATTACHMENT: Nil

### DECLARATION OF INTEREST

Nil

### SUMMARY

Council is requested to approve the sale of 1 property which has rates in arrears by 3 or more years, and recover from the proceeds of sale the outstanding balance of \$9,724.25.

### BACKGROUND

There are currently several properties that have rates outstanding by three or more years for which it has not been possible to enter into acceptable and successful arrangements for the payment of the balance owing. However this item is only dealing with 1 property owner. The owner of the property was in credit of \$12.87 in July 2008. Ongoing payments of \$50 per fortnight ceased on 12 Feb 2009 and no payment has been received since. The following is a brief history of the legal action taken to date.

Assessment	7518 - 147 Albany Highway, Kojonup
Zoning	Residential
Amount Outstanding	\$9,724.24
Period Outstanding	February 2009
Last Payment	\$50 12 February 2009
Recovery Action	Oct 2009 Demand Letter Austral Mercantile
	Nov 2009 Summons Issued Matter # 774733
	Feb 2011 Demand Letter Austral Mercantile
	Dec 2011 Summons Issued Matter # 876527
	Dec 2012 Demand Letter Austral Mercantile
	Jan 2013 Summons Issued Matter #1158965

NB: In addition to the above action, each year a final notice and reminder letter have been issued to the address provided.

### COMMENT

Despite letters from both the Shire and Councils debt collection agency Austral Mercantile the owners have failed to make contact regarding their outstanding rates. In March 2013 the ratepayer signed a Notice of Admission of Claim proposing to pay \$100.00 (it did not stipulate frequency). Payment has not been received.

### CONSULTATION

Austral Mercantile.  
 Manager of Corporate Services.

### STATUTORY ENVIRONMENT

Section 6.64 of the Local Government Act 1995 provides that, if any rates or service charges due to a local government have been unpaid for at least three years, the local government may take possession of the land and proceed to sell the land. Section 6.68 (1) of the Local Government Act 1995 prevents the local government from exercising the power of sale unless the local government has at least once attempted to recover money due to it under 6.56 of the Local Government Act 1995.

In order to take possession of the property and proceed with its sale, Council must cause notice requiring the payment of rates under Schedule 6.3 of the Local Government Act 1995. Such notice is also to be served on any party with an interest in the land. This includes the mortgagee and is to be posted on the Shires official notice board for a period of not less than 35 days. If at the expiration of three months from the date of issue of this notice the rates remain unpaid, the Shire of Kojonup may proceed with selling the land by public auction, with such auction to occur not more than 12 months from the date of the notice.

If the matter takes this course and the property is sold by public auction, under Clause 5 of the Schedule 6.3 of the Local Government Act 1995, the outstanding rates, any additional legal expenses and the cost of the sale or incidental to the sale of the property can be recovered by the Shire. Any residual amount from the sale of the properties is to be held by the Shire in the event of the owners or associated parties making a claim. If after 12 months the amount has not been claimed, the residual funds are to be paid to the Supreme Court under Section 99 of the Trustees Act.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

There will be positive financial implications for Council as all outstanding rates and service charges will be able to be recovered from the proceeds of the sale together with any additional costs associated with further legal action plus the costs of sale of the property or incidental to the sale of the property. The Department of Local Government have issued a new guideline No 22 Possession of Land for Recovery of Rates and Services. To ensure that the sale complies with the act the following checklist is included in the guideline.

#### Recovery Procedure

- Step 1- Notify owners and interested parties in writing of Council's intention to sell the land in order to recover rates under Section 6.64 of the Local Government Act. Allow 10 days for a response.
- Step 2 - Issue a Notice Requiring Payment (Form 4) to be served on the owner as per the owner's address shown on the Certificate of Title. The owner is given 3 months in which to pay and avoid her land being sold. *Section 6.68 (3) Schedule 6.3.1 (1)(a)*
- Step 3 - Serve a copy of the Notice Requiring Payment (Form 4) on anyone with an estate or interest in the property.  
*Schedule 6.3.1 (1) (b)*
- Step 4 - A copy of the Notice Requiring Payment (Form 4) be displayed on Council's official noticeboard for a minimum of 35 days ensuring that the notice be duly stamped with the date first displayed and the date removed – showing signature of authorised person plus witness.  
*Schedule 6.3.1 (1)(c)*
- Step 5 - Serve a copy of Form 2 to the owners (*Section 6.64 (2) Reg 72*) and also attached a copy of Form 3 to a conspicuous part of the land in order to take possession of the land. Obtain an affidavit of service regarding Form 3.  
*Section 6.64 (2) Reg 73*
- Step 6 - Council is to appoint a time no less than 3 months and no more than 12 months after service of the Notice Requiring Payment (Form 4) for the public auction. A sale has to happen within 12 months of the date the land is offered for sale or proceedings lapse.  
*Schedule 6.3.7*



**10.7 ELECTORS MEETING - MINUTES**

**AUTHOR:** Anthony Middleton – Manager of Corporate Services  
**DATE:** Tuesday, 13 May 2014  
**FILE NO:** FM.FNR.2  
**ATTACHMENT:** 10.7 Minutes of the Annual Electors Meeting held 15 April 2014

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to note the minutes of the Annual Elector's Meeting held on 15 April 2014.

**BACKGROUND**

Any decisions from the electors meeting are required to be referred to the Council for consideration.

**COMMENTS**

The minutes from the Annual Electors Meeting are attached. There were no resolutions passed at the meeting that require the Council's consideration and therefore this item merely receives the minutes.

**CONSULTATION**

The Annual Electors Meeting is an opportunity for all residents to communicate with the Shire.

**STATUTORY ENVIRONMENT**

Section 5.27 of the Local Government Act 1995 requires a general meeting of electors to be held once every financial year. Regulations prescribe matters to be discussed at such meetings as the contents of the Annual Report for the previous financial year and then any other general business.

Section 5.33 of the Local Government Act 1995 states that:

"All decisions made at an electors meeting are to be considered at the next ordinary council meeting or at the first ordinary council meeting after that meeting".

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**STRATEGIC IMPLICATIONS**

Community Strategic Plan 2013-2023 Focus Area 1 - Being Well Governed.

Draft Corporate Business Plan 2013-2017

Strategy 1.1.4 Maintain robust systems and controls.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That the minutes of the Annual Electors Meeting held on 15 April 2014, as attached, be received.**

## COUNCIL DECISION

/14      Moved Cr      , seconded Cr

CARRIED/LOST /

**11      WORKS & ENGINEERING REPORTS**

Nil



## 12 **COMMUNITY & REGULATORY SERVICES REPORTS**

### 12.1 EMERGENCY SERVICES LEVY

AUTHORS: Rick Mitchell-Collins – Chief Executive Officer  
Heather Marland – Senior Finance Officer  
DATE: Thursday, 24 April 2014  
FILE NO: GS.PRG.1  
ATTACHMENT: 12.1.1 Detailed lists of eligible and ineligible expenditure items as per LGGs Manual  
12.1.2 Shire of Kojonup Purchase Policy  
12.1.3 Acknowledgement Form from Brigades

#### **DECLARATION OF INTEREST**

Nil

#### **SUMMARY**

The purpose of this report is to inform Councillors and the Community how the Emergency Services Levy (ESL) is applied to Fire Brigades within the Shire of Kojonup

#### **BACKGROUND**

The ESL funds Western Australia's (WA) fire and emergency services, including all career fire stations, volunteer fire brigades, State Emergency Services (SES) units and the multi-purpose volunteer emergency service units. Note the ESL does not apply to Ambulance or Police Services!

The ESL website states:

*"ESL funding supports approximately 800 dedicated emergency service groups comprising approximately 1,400 career fire fighters and support staff and over 32,000 volunteers.*

*WA's fire and emergency services have dramatically improved, particularly in regional and remote areas thanks to the provision of new equipment provided for volunteer groups.*

*The ESL benefits all West Australian's as emergency response involves a cohesive approach from across the state."*

On 1 July 2003, a property-based ESL was introduced to more equitably provide the main source of funds for the operations of the following:

- Bush Fire Brigade (BFB);
- Career Fire and Rescue Service (CFRS);
- Emergency Management Services (EMS);
- State Emergency Service (SES);
- Volunteer Emergency Service Units (VES);
- Volunteer Fire and Rescue Service (VFRS); and
- Volunteer Fire Service Brigades (VFS).

Of particular relevance above, the ESL has and will continue to provide funds through the Local Government Grant Scheme (LGGs) to Local Governments via Capital and Operating Grants for their BFBs and SES Units where applicable.

These LGGs funding arrangements do not alter the statutory responsibilities of Local Governments to fund and manage a range of ***land management and community safety and planning responsibilities*** under the Bush Fires Act 1954 and the Local Government Act 1995.

ESL rates are then declared so that the required funding is raised for the year. All ESL money collected by Local Government via Rates & Charges is sent directly to DFES of which 100% is

used to fund fire and emergency services. There is general consensus that Local Governments collection of the ESL on behalf of DFES via its rate data base is more cost efficient as all property owners are required to pay the levy and Local Governments possess the appropriate data base for this to occur.

Local governments are paid an annual administration fee for undertaking this task. The Shire of Kojonup receives a flat rate of \$4,000 per annum to help cover admin costs.

Operating grants are presently based on the average of the previous two years completed acquittals and the current years actual allocation, indexed with inflation.

Each December DFES issue the Local Government Grants Scheme (LGGS) Manual and Operating Grant Offer.

Local Governments have the option to accept the offered allocation for the next financial year or apply for additional funds, including an alternative Plant programme.

The Shire in recent years has averaged \$42,500 per annum in LGGS funding from the ESL, with this year's allocation being \$45,030.

LGGS budgets are established at the Local Government level and are divided into the following categories:

- Capital Grant Budget - relates to significant capital works initiatives, including the acquisition of facilities, appliances, vehicles and major items of equipment; and
- Operating Grant Budget - relates to general operating costs and minor purchases, including such items as training, protective clothing, radios, furniture and other minor non-recurrent items.

The determination of the service and financial needs of the various activities that are to be funded remains a key aspect of the LGGS funding arrangements. The process continues to take into account a range of factors, including past expenditure on the services, current resource levels and resource standards in consideration of risk profiles.

The LGGS Grant's budget and payment processes are designed to reflect the historical linkages between the Local Government, the brigades/units themselves and DFES and, wherever possible, seek to support and complement those arrangements in the most effective manner.

The LGGS processes will continue to have the following key development and approval phases:

- Determining the service expenditure needs;
- Reviewing and assessing the requirements;
- Approving the LGGS budget;
- Payment of the approved LGGS grants; and
- Acquitting and reviewing the approved LGGS grants.

### **Eligible Expenditure**

The LGGS manual contains detailed lists of eligible and ineligible expenditure items, attached is a copy of both these lists. The Eligible expenditure is split into 10 categories, and these categories are required for acquittal purposes. The ineligible list is very specific with what cannot be funded by the ESL grant.

## **COMMENTS**

### **Current Process**

All payments made from the ESL Grant are signed and authorised by Mort Wignall (Manager of Regulatory & Community Services) as the manager responsible for the ESL budget.

The single biggest drain on the ESL Grant is Insurance via LGIS. LGIS is owned and operated on behalf of WA Local Governments. From this year's (2013/2014) allocation of \$45,030, the cost of insurance is \$23,400 (52%).

The insurance covers bushfire brigade members, their vehicles and sundry items e.g. chain saws, FESA trailers and both fire trucks. (There are currently 3 fire trucks in the shire, 2 of which DFES fund and 1 based at Mobrup which is funded by Council).

There are annual ongoing operating costs of approximately \$14,000 such as:-

- Maintenance and repairs to the 2 DFES trucks,
- Running costs associated with the Muradup and Kojonup Fire truck sheds including electricity cost.
- The cost of sending emergency SMS's.
- DFES approved training and refreshments at training events.
- Allowance is made for the cost of registration for the trucks and trailers which are due in June each year (approx. \$1,800).

Leaving a balance of approximately \$6,000 for allocation and acquittal amongst the 12 Brigades.

The following process has been used once the fire season has finished (April/May).

1. Denise Berryman in her capacity as liaison between the shire and the brigades contacts each brigade requesting their requirements. E.g. PPE, hoses, radios etc.
2. Not all brigades put in a request and those that do will be prioritised with special emphasises placed on PPE and First Aid Kits as the safety of the volunteers comes first. The cost of items is also taken into consideration before ordering given the above unallocated amount of \$6,000. For example a request for 12 firelighters was made at a cost of \$450 per unit = \$5,400 which was not feasible as the priority has been PPE for volunteer members.
3. Purchase orders are created and authorised by the Manager Regulatory & Community Services.
4. All purchases are made in accordance with the attached Shires Purchase Policy.
5. Once the items have been delivered they are collected by Denise Berryman who contacts the relevant brigades.
6. Denise gets each brigade to sign a form acknowledging what they have received.

A copy of the signed sheets have been included for your information: Please note there is not a form from the Boilup Brigade as they did not make a request from the 2012/2013 allocation.

**The purchases as outlined in 1 – 6 above are not made until the end of the fire season to ensure there are sufficient funds to cover whatever needs occur during the fire season.**

#### **Audit**

Each year as part of their Annual Internal Audit DFES review 12 Local Government Authorities by undertaking 6 desktop and 6 onsite visits.

Kojonup was selected for an onsite visit and review of the 2012/2013 Grant Acquittal which occurred on 22 October 2013. Two auditors namely Liam Murphy and Mwamba from Sutherland Rose – DFES Internal Audit Team conducted the audit in conjunction with Council's Senior Finance Officer and comment where required from Denise Berryman on the brigade association administrative processes.

The audit was conducted in 3 stages:

1. Discussion on financial/administrative processes;
2. Focus on the finances – invoices; and
3. Site visits to the Kojonup and Muradup fire trucks in the presence of Denise Berryman and Bob Francis.

The audit outcome made the following recommendations:-

- a) That the ESL manual be consulted to ensure compliance before ordering; and
- b) That a list is compiled and maintained by the Shire clearly identifying all PPE issued to brigades not only this year but also previous years to substantiate the number / \$ amount of pants/helmets/jackets etc., issued to each brigade.

A formal report will be sent to the Shire by DFES when all 12 Local Government audits have been completed and will be tabled at a future Council Meeting.

With the assistance of Denise Berryman a register of PPE issued to each brigade is being compiled.

### **CONSULTATION**

The involvement of Brigades via the Association Secretary ensures recognised needs are known and addressed subject to available funds remaining after insurance and ongoing annual operating costs are met. It is imperative that effective two-way communication continues between Brigades and Council to ensure maximum value is derived from the ESL as well as a collective understanding of eligible/ineligible expense items.

### **STATUTORY REQUIREMENTS**

Local Government Grants Scheme (LGGS) – Fire & Emergency Services Act 1998

Local Government Act 1995

### **POLICY IMPLICATIONS**

Policy 2.5 Purchasing and Creditor Control

### **FINANCIAL IMPLICATIONS**

The Manager of Corporate Services is investigating opportunities to reduce the annual insurance premium as there is presently blanket cover for approximately 400 volunteers. Unless there is a catastrophic fire event the majority of fires would require a maximum of 100 volunteers on the fire ground?

A reduction in insurance premiums without compromising the protection of volunteers would allow additional funds to be directed towards eligible expense items as listed in the LGGC scheme.

### **STRATEGIC IMPLICATIONS**

There is no specific reference in the Community Strategic Plan regarding Emergency Services or Bush Fire Control other than Natural Resource Management.

#### Draft Corporate Business Plan 2013-2017

Strategy 1.4.3.1 – Improve communications with Western Power regarding pole management and fire safety.

Strategy 1.4.4.1 – Maintain a community driven response to bushfire risk

### **VOTING REQUIREMENTS**

Simple Majority



## Appendix II

## Description of Expenditure Categories

### DESCRIPTION OF EXPENDITURE CATEGORIES FOR BRIGADE/UNIT OPERATIONS

#### 1. PURCHASE OF PLANT AND EQUIPMENT (less than \$1,200 per item)

*In the first instance LGGS purchases made by Local Government should comply with the State Supply Contracts and/or DFES negotiated contracts to ensure compliance with technical specifications and to meet Time, Quality and Cost standards. However, where an alternative item meets the DFES specifications and standards and can be obtained at less cost, these may be substituted.*

##### Plant and Equipment

Purchases of operational plant and equipment costing less than \$1,200 per item, including ladders, portable pumps, chainsaws (SES only), hoses, hose reels, shovels, axes, torches, branches, ropes, extinguishers, sandbags, flares, tools, rescue equipment, etc.

##### Computer Hardware and Software

Cost of minor computer hardware acquisitions less than \$1,200 per item. It includes personal computer replacement components such as keyboards, monitors, mouse, modems and printers. Excludes related consumables such as diskettes, CD's, printer ribbons and cartridges. Cost of minor computer software acquisitions less than \$1,200 per item including operating systems and application packages.

##### Furniture and Fittings

Costs associated with acquisitions less than \$1,200 per item. Furniture and fittings include items such as chairs, tables, filing cabinets, bookshelves and fittings, etc.

##### Telecommunications Equipment

Telecommunications equipment acquired costing less than \$1,200 per item and used as part of approved radio networks, telephone and pager systems. It includes new and replacement facsimile machines, mobile phones, handheld radios, pagers, vehicle radios for LGGS funded vehicles only, etc.

#### 2. MAINTENANCE OF PLANT AND EQUIPMENT

##### Plant and Equipment

Costs associated with the repairs and maintenance of plant and equipment defined in the purchase of plant and equipment expenditure categories.

##### Computer Hardware and Software

Costs associated with the repairs, maintenance and related consumables of computer hardware and software as defined in the purchase of plant and equipment expenditure categories including maintenance contracts and software license renewals.

##### Furniture and Fittings

Costs associated with the repairs and maintenance of furniture and fittings as defined in the purchase of plant and equipment expenditure categories.

##### Telecommunications Equipment

The maintenance of telecommunications equipment used as part of approved radio networks, telephone and pager systems as defined in the purchase of plant and equipment expenditure categories. It includes repairs and maintenance of mobile phones, pagers, faxes, handheld radios and repeaters. It also includes the cost of consumables such as toners for facsimile machines, batteries for pagers, mobile phones and handheld radios etc. This category also covers radio and pager licenses.

##### Breathing Apparatus and Rescue Equipment

Parts and consumables purchased for the maintenance of breathing apparatus and rescue equipment. Costs associated with servicing, cylinder refills and rentals (oxy viva) directly related to the maintenance of such equipment.

##### Extinguisher and Hose

Maintenance costs of fire extinguishers and hoses required for operational purposes. Includes extinguisher refills and bulk refilling materials.

##### Extinguishments and Absorbents

Covers the cost of foam concentrates and retardants for response and training operations.

#### 3. MAINTENANCE OF VEHICLES, TRAILERS AND BOATS

##### Parts, Fittings and Consumables

Costs incurred in purchasing and replacement of minor parts, fittings and consumables for the purpose of routine services, repairs and maintenance on operational vehicles/trailers/boats. This includes such costs as replacement tyres, tubes and batteries. Also included are materials used for the in-house servicing of vehicles such as automotive fluids and lubricants, nuts, bolts, globes, etc.

##### Services by Contractors/Shire Depots

Labour costs associated with servicing, repairs and maintenance. Where such costs are incurred through the Local Government Depot/Workshop an appropriate hourly rate should be applied providing it is lower or commensurate with private contractor rates within the immediate area.

##### Fuel and Lubricants

Cost of fuels, automotive fluids and lubricants used by LGGS funded vehicles/trailers/boats only. It includes the replenishment of fuel from bowser and fleet card purchases.

## Appendix II

## Description of Expenditure Categories

**Registration**

Registration fees, inspection charges, weighing fees and licence plates.

**4. MAINTENANCE OF LAND AND BUILDINGS****General Repairs and Maintenance**

Repairs and general maintenance to buildings and related fixtures and fittings. Includes painting, electrical and plumbing repairs, broken windows, damaged wall panels, globes, fluorescent lights, door locks, damaged cupboards, etc.

**Routine Maintenance**

Routine (preventative) property maintenance applies where maintenance contracts have been entered into as a result of planned activities. This is in order to prevent breakdowns, maintain efficient operation and extend life of buildings and is undertaken on a regular, cyclic planned schedule. Such routines include annual gutter cleaning, annual termite inspections, annual servicing of air conditioners, routine inspection and servicing of gas heaters, routine inspection and maintenance of lifts and hoists and cleaning of storm drains.

**Rental and Leases**

Rent payable on property where prior formal agreements and/or leases have been entered into with third parties for brigade/unit facilities only.

**Security Service**

Cost of engaging private organisations for watching services and security contracts.

**5. CLOTHING AND ACCESSORIES****Protective, Safety Clothing and Accessories**

ALL STATE EMERGENCY SERVICE UNITS PERSONNEL PROTECTIVE EQUIPMENT REQUIREMENTS ARE INCORPORATED UNDER DFES'S CORPORATE POLICY. LOCAL GOVERNMENT ARE TO CONTACT THE DFES SES METRO / REGIONAL OFFICE FOR DETAILS. SES PPE IS NOT ELIGIBLE FOR LGGS FUNDING.

*The provision of services to the community requires standard dress codes for firefighting and emergency response. Protective clothing is to be provided to active members only.*

Acquisitions of clothing directly associated with firefighting and emergency response activities including tunics, overalls, footwear, special heat resistant suits, protective gloves, helmets, visors, safety glasses, goggles, disposal hazardous material suits, ear plugs, mufflers, fire retardant trousers, etc.

**6. UTILITIES, RATES AND TAXES**

LGGS reimbursement of utility costs (electricity, water etc) will be based on a standard facility footprint. For larger scale LG built facilities, pro rata rate reimbursement based on the standard facility footprints shall apply.

**Electricity**

Cost of electricity for lighting and power and meter rental.

**Domestic Gas and Cylinder Rentals**

Cost of gas for heating and cooking, meter rental and cylinder rental.

**Water and Sewerage Rates**

Cost of water supplied to all properties owned, rented or leased.

**Rates, Taxes and Charges**

Rubbish, water supply and wastewater removal, *excluding ESL charges and General Rates.*

**Telephone, Mobile Phone and Pager Accounts**

Covers the cost of brigade/unit telecommunication accounts. It includes telephone rental and call/access charges, mobile phone rental and call/access charges, data service charges and paging services.

**7. OTHER GOODS AND SERVICES****Postage**

Consists of brigade/unit postage and private post office box fees.

**Stationery and Office Supplies**

Purchase of pens, pencils, erasers, staplers, hole punches, rulers, paper, folders, binders, files, computer consumables, etc.

**Refreshments**

Refreshments supplied only at operational incidents and DFES approved training. Includes the provision of tea, coffee, hot drinks, soft drinks, and finger foods such as fruits, sandwiches and biscuits. Does not include brigade/unit social activities and outings.

**Hire Charges**

Expenses related directly to operational activities requiring the hire of minor plant and equipment. Excludes the hire of earth moving plant and related equipment which is subject to a separate recoup arrangement as described in Section 5.6.2. Also excludes long term rental or hire purchase agreements.

**Freight, Courier and Transport Costs**

It covers freight and transport of plant, equipment, consumables, vehicles, etc. Courier costs incurred apply to the urgent delivery of item.

## Appendix II

## Description of Expenditure Categories

**Motor Vehicle Drivers Licence (MDVL)**

The reimbursement of the costs associated with Volunteers obtaining appropriate class MDVL's where a change to a Brigade/Units appliance or vehicle type requires a MDVL class upgrade (C to LR/MR or LR/MR to HR only). Eligible costs include Dept of Transport fees, and the cost of the assessment where a Licensed Driving Instructor is used. Maximum of 4 members per Brigade/Unit.

Note: The costs of obtaining initial MDVL's are not eligible.

**Reference Materials**

Technical books, publications and subscriptions to journals, updates of legislation and other printed materials. The purchase of road directories, water supply maps, and lands department maps, fire district maps, etc.

Reference material also includes information on computer mediums such as disks, CD-ROM and other data available for acquisition on the Internet.

**Training Costs**

All operational training including Accredited First Aid Training and courses certified by the DFES Training Centre, Forrestfield will be eligible for LGGS funding. All other training costs are excluded.

**Health and Safety Costs**

Cost of purchasing medicines such as Panadol, aspirin, plasters and bandages, first aid kits, and general medical consumables.

**Consumables and Sundries**

Domestic consumables cover day-to-day minor purchases such as soaps, polishes, detergents, coffee, tea, milk, tea towels, batteries, etc. Also included are items used for training purposes (e.g. kerosene, props, etc.) where such items are not identifiable in any other category of expenditure in this manual.

**Volunteer Travel**

Covers the reimbursement of volunteer travel expenses associated with DFES approved training and recognised regional meetings.

**8. INSURANCES**

ALL STATE EMERGENCY SERVICE UNITS INSURANCE REQUIREMENTS ARE CURRENTLY INCORPORATED UNDER DFES'S CORPORATE POLICY. LOCAL GOVERNMENT ASSETS IN THE CUSTODY OF UNITS ARE TO BE INSURED BY LOCAL GOVERNMENT.

INSURANCE EXPENDITURE INCLUDED MUST COMPLY WITH CURRENT LEGISLATION REQUIREMENTS.

**Personal Accident (Volunteers)**

Personal Accident insurance costs for registered operational volunteers.

**Property Insurance**

This includes insurance arrangements for operational buildings, plant and equipment. It includes assets other than vehicles/trailers/boats, where the cost of replacement is identifiable.

**Vehicle/Trailer/Boat Insurance**

Comprehensive and third party insurance for vehicles, trailers and boats.

**9. PURCHASE OF PLANT AND EQUIPMENT (from \$1,200 to \$5,000 per item)**

*In the first instance LGGS purchases made by Local Government should comply with the State Supply Contracts and/or DFES negotiated contracts to ensure compliance with technical specifications and to meet Time, Quality and Cost standards. However, where an alternative item meets the DFES specifications and standards and can be obtained at less cost, these may be substituted.*

**Plant and Equipment**

Purchase of plant and equipment and enhancements to existing and new items. Items to be included cover operational equipment such as portable pumps, reels, breathing apparatus equipment, rescue equipment, chainsaws (SES only), generators etc.

**Computer Hardware and Software**

Purchase of computer hardware equipment including the cost of purchasing new computers and related equipment, including installation and configuration costs. Cost of purchasing new computer software comprising application and operating system software packages (e.g. Windows, Excel, Word, MS Office, etc.) directly related with the purchase of new personal computers.

**Furniture and Fittings**

Purchase of furniture and fittings including enhancements to existing items.

**Telecommunications Equipment**

Cost of purchasing new telecommunications equipment such as telephone and pager systems

**10. EXISTING INTEREST EXPENSE****Loan Interest Expense Only**

This is for pre-existing loans prior to the implementation of the LGGS. Interest paid in servicing loans for existing capital assets directly associated with the operational activities of a brigade/unit



## Appendix III

## Index of Ineligible Expenditure

**EXPENDITURE NOT ELIGIBLE FOR LGGS FUNDING**

Expenditures associated with the functions/activities below **ARE NOT ELIGIBLE FOR LGGS FUNDING** through this budget process.

- Accounting fees;
- Accrual accounting provisions including depreciation;
- Acquisition of land;
- Aerial inspections;
- Activities resulting in costs not directly associated with operational activities of a brigade/unit;
- Alcohol;
- Appointment and publication of Bush Fire Control Officers;
- Capital and other operating costs of Local Government plant and equipment;
- Catering/Welfare Trailers;
- Community recovery, support and assistance activities;
- Concrete cutters;
- Costs associated with Bush Fire Advisory Committees;
- Costs associated with hosting the annual Bush Fire Games;
- Costs associated with providing utilities to site facility boundaries;
- Declaration and publication of restricted and prohibited burning times;
- Defibrillators;
- Development of local area fire and emergency management plans;
- Portable fridge/freezer eg: Engel, WAECO etc.
- Emergency Positioning Indicating Radio Beacon (EPIRB);
- Emergency Service Levy and General Rates charges;
- Feasibility Study;
- Fire Prevention/Education and associated costs
- Funding for garaging on private property;
- Hands free kits for mobile phones, except for LGGS funded vehicles;
- Hydrant installation, repairs and maintenance outside of gazetted fire districts (including static water supplies)
- Legal costs associated with action involving Local Government staff/employees/volunteers;
- Legal costs associated with prosecutions for non-compliance with bush fire prevention requirements;
- Local Government audit fees;
- **Local Government corporate overhead costs or transfer/assigned costs;**
- Local Government fire safety presentations;
- Local Government radio networks;
- Local Government risk surveys, assessments and inspections;
- Local Government staff/employee involvement at incidents (logistics etc);
- Long term rental or hire purchase agreements;
- Management of burn permits and infringement notices;
- Marketing and advertising costs;
- Mobile Trailer Pump Unit/Fire Fighting Trailers;
- Non standard computer software and accessories;
- Preparation of local fire safety publications;
- Privately owned assets and equipment;

## Appendix III

Index of Ineligible Expenditure

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- Production and distribution of brochures and other material for local markets;
- Property inspections for compliance with bush fire prevention requirements;
- Provision of fire prevention works (burns/fire breaks) on Local Government Property;
- SES Personal Protective Equipment (PPE);
- SES Road Crash Rescue Hydraulic Equipment;
- Site works for new buildings and additions including car parking, landscaping and boundary fencing (*Site works comprise the demolition or removal of existing buildings, road works, removal of vegetation and topsoil from site, grading and compacting sub grade, imports of sand fill, or cart away soil not needed, grade site to final levels, compaction of pad, provision of engineer's compaction certificate, construction of any retaining structures*)
- Slip-on units ;
- Static water supplies (e.g. water tanks);
- Taxation costs;
- Unallocated Crown Land works (DFES will continue to manage this function); and
- Weather Station on mounting poles.

## 2.5 PURCHASING & CREDITOR CONTROL

<b>Adopted or Reviewed by Council:</b>	16/04/13	<b>Council Minute Reference:</b>	52/13
<b>Reviewer:</b>	Manager of Corporate Services		
<b>Local Law:</b>			
<b>Procedure:</b>			
<b>Delegation:</b>	ADMIN 015 - Inviting Tenders or Quotations for the Supply of Goods & Services ADMIN 016 - Acquisition & Disposal of Property		

### OBJECTIVE

The Shire of Kojonup is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This practice:

1. Provides the Local Government with a more effective way of purchasing goods and services.
2. Ensures that purchasing transactions are carried out in a fair and equitable manner.
3. Strengthens integrity and confidence in the purchasing system.
4. Ensures that the Local Government receives value for money in its purchasing.
5. Ensures that the Local Government considers the environmental impact of the procurement process across the life cycle of goods and services.
6. Promotes effective governance and definition of roles and responsibilities.
7. Uphold respect from the public and industry for the Local Government's purchasing practices that withstands probity.
8. To support local business and promote the economic growth of the Municipality
9. To ensure selection of goods & services procured via the purchasing process are evaluated fairly and in such a way to provide the best outcome for the Shire of Kojonup
10. To provide compliance with the Local Government Act, 1995 and the Local Government Act (Functions and General) Regulations, 1996.
11. To deliver a best practice approach and procedures for internal purchasing for the Local Government.
12. To ensure consistency for all purchasing activities that integrates within all the Local Government operational areas.

### POLICY

The Chief Executive Officer is delegated the authority to approve expenditure and to meet payment for goods and services on behalf of the Shire of Kojonup for which funds have been provided on the budget, provided that he/she has beforehand:

1. Developed procedures/systems for the procurement of goods and services.
2. Developed procedures for the approval of accounts to ensure that before payment of an account a determination is made that:
  - a) The relevant debt was incurred by a person who is properly authorised to do so; and
  - b) The goods and services to which each account relates were provided in a satisfactory condition.
3. Developed procedures of authorisation of accounts to ensure that there is effective security and properly authorised use of:
  - a) Cheques, credit cards, computer encryption and passwords, purchasing cards and other devices or methods by which goods, services, money or other benefits may be obtained; and
  - b) Petty cash systems
4. Developed any other procedures he/she feels appropriate.

Provided also that funds may only be released with the approval of at least two employees of the Shire, unless via the use of a credit card facility.

### GUIDELINES

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:

Amount of Purchase	Procedure
Up to \$5,000	Direct purchase from suppliers requiring only two (2) verbal quotations.
\$5,001 - \$24,999	Obtain up to 3 verbal and/or written quotations.
\$25,000 - \$49,999	Obtain up to 3 written quotations.
\$50,000 - \$99,999	Obtain 3 written quotations where possible, containing price and specification of goods and services (with procurement decision based on all value for money considerations).
\$100,000 and above	Conduct a public tender process.

**Note:** Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$100,000 threshold (excluding GST). If a decision to seek public tenders for Contracts of less than \$100,000 is made, a tender process that entails all the procedures for tendering outlined in this policy must be followed in full. Value for Money

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Local Government. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.

#### **REGIONAL PRICE PREFERENCE**

The Council may choose to offer a price preference to organisations trading from a recognised business address in the Shire for the supply of goods and services.

The following price preferences will apply:

- 10% for goods and services (to a maximum reduction of \$50,000); and
- 5% for construction services (to a maximum reduction of \$50,000).

The following principles still apply when a regional price preference is used:

- The purchase or supply must not contravene the National Competition Policy;
- The purchase or supply must be competitive in regard to specification, service, delivery and price;
- The purchase or supply must conform with the Local Government (Administration) Amendment Regulations 2000;
- A statement that Council has a regional price preference policy must be included in the advertisement for all tenders to which it has been decided to apply this policy; and
- A copy of the policy is to be supplied with any tender specifications when an election has been made to apply this policy.

#### **PROCUREMENT OF GOODS OR SERVICES UP TO \$5,000**

Where the value of procurement of goods or services does not exceed \$5,000, purchase on the basis of up to two verbal quotations is permitted. However it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.

This purchasing method is suitable where the purchase is relatively small and low risk.

Record keeping requirements must be maintained in accordance with record keeping policies and 2.4 Records Management.

#### **\$5,001 To \$24,999**

This category is for the procurement of goods or services where the value of such procurement ranges between \$5,001 and \$24,999.

Up to three verbal or written quotations (or a combination of both) are required. Where this is not practical, e.g. due to limited suppliers, it must be noted through records relating to the process.

The general principles for obtaining verbal quotations are:

- Ensure that the requirement / specification is clearly understood by the Local Government employee seeking the verbal quotations.
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- Read back the details to the Supplier contact person to confirm their accuracy.

- Written notes detailing each verbal quotation must be recorded.

Record keeping requirements must be maintained in accordance with CORP P2 – Records Management.

#### **\$25,000 To \$49,999**

For the procurement of goods or services where the value exceeds \$25,000 but is less than \$49,999, it is required to obtain up to three written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase).

The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements.

**Note:** The general principles relating to written quotations are:

- An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.
- The request for written quotation should include as a minimum:
  - Written Specification
  - Selection Criteria to be applied
  - Price Schedule
  - Conditions of responding
  - Validity period of offer
- Invitations to quote should be, where possible, issued simultaneously to ensure that all parties receive an equal opportunity to respond.
- Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
- Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.
- Respondents should be advised in writing as soon as possible after the final determination is made and approved.

The Local Government Purchasing and Tender Guide produced by the Western Australian Local Government Association (WALGA) should be consulted for further details and guidance.

#### **\$50,000 To \$99,999**

For the procurement of goods or services where the value exceeds \$50,000 but is less than \$99,999, it is required to obtain three written quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased. The Local Government Purchasing and Tender Guide has a series of forms including a Request for Quotation Template which can assist with recording details. Record keeping requirements must be maintained in accordance with record keeping policies.

For this procurement range, the selection should not be based on price alone, and it is strongly recommended to consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.

#### **\$100,000 AND OVER**

Procurements over \$100,000 must go through the tender process, unless the following exemptions apply.

##### **Tender Exemption**

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- Any of the other exclusions under Regulation 11 of the Functions and General Regulations apply;
- All other purchases over \$100,000 must go through the tender process.



**SOLE SOURCE OF SUPPLY (MONOPOLY SUPPLIERS)**

The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply. Every endeavour to find alternative sources must be made.

**ANTI-AVOIDANCE**

The Shire is **not** permitted to enter into two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$100,000, thereby avoiding the need to publicly tender.

**TENDER**

That in relation to the inviting of any tenders, the following procedures are to apply:

- a. A lockable tender box is to be provided and kept at the Shire Office, management of which is to be the responsibility of the Manager of Corporate Services or such other officer as the Chief Executive Officer may from time to time prescribe (the "Prescribed Officer")
  - i. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council.
  - ii. For each tender invited, a tender reference number shall be allocated by the Prescribed Officer and such number shall be quoted in the heading of all tender advertisements;
  - iii. Such aforementioned tender number shall be quoted in all references to the particular tender, i.e. on the Council correspondence, files, Council Minutes, Agendas etc.;
  - iv. Tenders submitted by the medium of a facsimile machine or e-mail shall be considered where prior approval has been given by the Prescribed Officer;
  - v. No member, employee or agent of Council's staff shall barter or negotiate with tenderers. Communications to clarify aspects of a tender shall be in writing and usually addressed equally to all tenderers where there is 'new material' to consider, except where full Council has so resolved.

**ADVERTISING TENDERS**

Tenders are to be advertised in a state wide publication e.g. "The West Australian" newspaper, Local Government Tenders section, preferably on a Wednesday or Saturday.

The tender must remain open for at least 14 days after the date the tender is advertised. Care must be taken to ensure that 14 full days are provided as a minimum.

The notice must include:

- A brief description of the goods or services required;
- Information as to where and how tenders may be submitted;
- The date and time after which tenders cannot be submitted;
- Particulars identifying a person from whom more detailed information as to tendering may be obtained;
- Detailed information shall include;
  - Such information as the local government decides should be disclosed to those interested in submitting a tender;
  - Detailed specifications of the goods or services required;
  - The criteria for deciding which tender should be accepted; and
  - Whether or not the local government has decided to submit a tender.
- Whether or not tenders can be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.

**ISSUING TENDER DOCUMENTATION**

Details of all parties who acquire the documentation whether by counter, mail, internet, referral, or other means will be recorded. This is essential as if clarifications, addendums or further communication is required prior to the close of tenders, all potential tenderers must have equal access to this information in order for the Shire not to compromise its duty to be fair.

**TENDER DEADLINE**

A tender that is not received in full in the required format by the advertised tender deadline shall be rejected.

**OPENING OF TENDERS**

1. No tenders are to be removed from the tender box, or opened (read or evaluated) prior to the Tender Deadline.
2. Tenders are to be opened in the presence of the Chief Executive Officer's delegated nominee and preferably at least one other Shire Officer. The details of all tenders received and opened shall be recorded in the Tenders Register.
3. Tenders are to be opened in accordance with the advertised time and place. There is no obligation to disclose or record tendered prices at the tender opening, and price information should be regarded as *commercial-in-confidence* to the Shire. Members of the public are entitled to be present.
4. The Tenderer's Offer form Price Schedule and other appropriate pages from each tender shall be date stamped and initialled by at least two Shire Officers present at the opening of tenders.

**NO TENDERS RECEIVED**

Where the Local Government has invited tenders, however no compliant submissions have been received, direct purchases can be arranged on the basis of the following:

- A sufficient number of quotations are obtained;
- The process follows the guidelines for seeking quotations between \$50,000 & \$99,999 (listed above);
- The specification for goods and/or services remains unchanged;
- Purchasing is arranged within 6 months of the closing date of the lapsed tender.

**TENDER EVALUATION**

Tenders that have not been rejected shall be assessed by means of a written evaluation against the pre-determined criteria. An appropriate Officer shall assess each tender that has not been rejected to determine which tender is most advantageous and prepare a report to the Council for their consideration.

**ADDENDUM TO TENDER**

If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are required, the Local Government may vary the initial information by taking reasonable steps to give each person who has sought copies of the tender documents notice of the variation

**MINOR VARIATION**

After the tender has been publicly advertised and a successful tenderer has been chosen but before the Local Government and tenderer have entered into a Contract, a minor variation may be made by the Local Government. A minor variation will not alter the nature of the goods and/or services procured, nor will it materially alter the specification or structure provided for by the initial tender.

**NOTIFICATION OF OUTCOME**

Each tenderer shall be notified of the outcome of the tender following Council resolution. Notification shall include:

- The name of the successful tenderer
- The total value of consideration of the winning offer

The details and total value of consideration for the winning offer must also be entered into the Tenders Register at the conclusion of the tender process.

**RECORDS MANAGEMENT**

All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- Tender documentation;
- Internal documentation;

- Evaluation documentation;
- Enquiry and response documentation;
- Notification and award documentation.

For a direct purchasing process this includes:

- Quotation documentation;
- Internal documentation;
- Order forms and requisitions.

Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Shire's Procedure CORP P2 - Records Management.



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

AUTHOR: Robert Cowie – Administration/Regulatory Officer  
 DATE: Thursday, 1 May 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.

### COMMENT

Following the Annual General Meeting (AGM) held 29 April 2014 the Kojonup Bushfire Association has recommended that the following people be appointed to the Fire Control Officer (FCO) position for their respective brigades:

Ben Johnston	Captain/FCO, Boilup Brigade
Geoff Gale	Captain/FCO, Boscabel Brigade
Gary Marsh	Captain/FCO, Changerup Brigade
Owen Bignell	Captain/FCO, Cherry Tree Pool Brigade
Lachy Reid	Captain/FCO, Jingalup Brigade
Eric Wright	Captain/FCO, Kojonup Brigade
Will Carrington-Jones	Captain/FCO, Lumeah Brigade
Rob Warburton	Captain/FCO, Mobrup Brigade
Mark Blewett	Captain/FCO, Muradup Brigade
Griffin Chomley	Captain/FCO, Orchid Valley Brigade
Gray Cavanagh	Captain/FCO, Qualeup Brigade
Stuart Tohl	Captain/FCO, Ryans Brook Brigade
Bob Francis	Captain/FCO, Muradup Town

The appointments are subject to undertaking the appropriate FCO training. The next training session is to be advised. Any conditions, restrictions, or directions placed on FCOs who are standing again from last year will be continued.

The Association AGM also made the following appointments for Council ratification:-

Mr Digby Stretch (Zulu 1)	<ul style="list-style-type: none"> <li>• Chief Bush Fire Control Officer</li> <li>• Fire Weather Officer</li> <li>• Issue permits for Clover Burr</li> <li>• Ability to advise Shire on Vehicle &amp; Harvest Bans</li> </ul>
Mr Tony Fisher (Zulu 2)	<ul style="list-style-type: none"> <li>• Deputy Chief Bush Fire Control Officer</li> <li>• Deputy Fire Weather Officer</li> <li>• Issue permits for Clover Burr</li> <li>• Ability to advise Shire on Vehicle &amp; Harvest Bans</li> </ul>
Vacant (Zulu 3)	<ul style="list-style-type: none"> <li>• Senior Bush Fire Control Officer</li> <li>• Ability to advise Shire on Vehicle &amp; Harvest Bans</li> </ul>
Mr Richard Banks (Zulu 4)	<ul style="list-style-type: none"> <li>• Senior Bush Fire Control Officer</li> <li>• Ability to advise Shire on Vehicle &amp; Harvest Bans</li> </ul>

**CONSULTATION**

Consultation has occurred with the Brigades following call for nominations and consideration at individual Brigade AGM's. The Association AGM endorsed the FCO recommendations.

**STATUTORY ENVIRONMENT**

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 IMPLICATIONS**

Draft Corporate Business Plan 2013-2017

Strategy 1.4.4.1 Maintain a community driven response to bushfire risk management

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

1. That the Council endorse the nominations of the below listed officers to the position of Captain/Fire Control Officer for the 2014/15 financial year

<b>Ben Johnston</b>	<b>Captain/FCO, Boilup Brigade</b>
<b>Geoff Gale</b>	<b>Captain/FCO, Boscabel Brigade</b>
<b>Gary Marsh</b>	<b>Captain/FCO, Changerup Brigade</b>
<b>Owen Bignell</b>	<b>Captain/FCO, Cherry Tree Pool Brigade</b>
<b>Lachy Reid</b>	<b>Captain/FCO, Jinalup Brigade</b>
<b>Eric Wright</b>	<b>Captain/FCO, Kojonup Brigade</b>
<b>Will Carrington-Jones</b>	<b>Captain/FCO, Lumeah Brigade</b>
<b>Rob Warburton</b>	<b>Captain/FCO, Mobrup Brigade</b>
<b>Mark Blewett</b>	<b>Captain/FCO, Muradup Brigade</b>
<b>Griffin Chomley</b>	<b>Captain/FCO, Orchid Valley Brigade</b>
<b>Gray Cavanagh</b>	<b>Captain/FCO, Qualeup Brigade</b>
<b>Stuart Tohl</b>	<b>Captain/FCO, Ryans Brook Brigade</b>
<b>Bob Francis</b>	<b>Captain/FCO, Muradup Town</b>

2. That Mr Digby Stretch be appointed as Chief Bush Fire Control Officer for the Shire of Kojonup for 2014/15 financial year.
3. That Mr Tony Fisher be appointed as Deputy Chief Bush Fire Control Officer for the Shire of Kojonup for 2014/15 financial year.
4. That Richard Banks be appointed as Senior Fire Control Officers for the Shire of Kojonup for 2014/15 financial year.
5. That the Chief Fire Control Officer and the Deputy Chief Fire Control Officer be appointed as Fire Weather Officer and Deputy Fire Weather Officer, respectively, for the Shire of Kojonup for 2014/15 financial year, and the two Senior Fire Control Officers be authorised to act in this role in their absence.
6. That the Chief Fire Control Officer, the Deputy Chief Fire Control Officer and the two Senior Fire Control Officers be appointed as the Officers authorised to impose Harvest and Movement of Vehicles Ban Officers for the Shire of Kojonup for 2014/15 financial year.
7. That the Chief Fire Control Officer and the Deputy Chief Fire Control Officer be appointed as authorised officers to issue permits to burn for the collection of Clover Burr in the Shire of Kojonup for 2014/15 financial year.
8. That Council notes the appointment of Mr Sexton as President of the Kojonup Bushfire Association.
9. That Council notes the appointment of Mrs Berryman as Secretary for the Kojonup Bushfire Association.

**COUNCIL DECISION**

/14 Moved Cr

, seconded Cr

CARRIED/LOST

/

**12.3 FIREBREAK ORDER**

**AUTHOR:** Robert Cowie – Administration/Regulatory Officer  
**DATE:** Friday, 2 May 2014  
**FILE NO:** LE.NOT.2  
**ATTACHMENT:** 12.3 Fire Break Order 2014/2015

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To consider the Fire Break Order for 2014/2015.

**BACKGROUND**

Council issue a Fire Break Order each year, under section 33 of the Bush Fires Act 1954. The order requires certain things to be done with respect to fire hazard reduction/ fire prevention on land. The order is distributed with the rates notice and any other publication conducted as required by the Act.

**COMMENT**

The format of the Fire Break Order will be in the same format as last year that can be kept on the fridge for easy reference. The attached document will only show content; the final format will be a folded, flip chart type document approximately 10cm x 20cm with a large magnet on the back page. Adoption of the Fire Break Order at this meeting will allow time for printing of the notices in time for inclusion with Councils annual Rate Notice mail out scheduled for July 2014.

The Fire Break Order will be available on the Shire of Kojonup website.

**CONSULTATION**

The Fire Break Order is a working document that has evolved with consultation with the Bush Fire Association. Digby Stretch, Chief Bush Fire Control Officer and Carol Grazier, Shire's Senior Ranger have also reviewed the document before being presented to Council.

**STATUTORY ENVIRONMENT**

Section 33 of the Bushfires Act 1954 relates to Fire Break Orders.

**POLICY IMPLICATIONS**

There are no known Shire of Kojonup policy implications.

**FINANCIAL IMPLICATIONS**

The printing costs will be included in the 2014/2015 budget.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council:**

- 1. Adopts in accordance with Section 33 of the Bushfires Act 1954 the Shire of Kojonup 2014/2015 Fire Break Order as attached to this agenda.**
- 2. In conjunction with the Kojonup Bush Fire Advisory Committee review the firebreak requirements which relate to December.**

/14      Moved Cr      , seconded Cr

CARRIED/LOST /

Notice to all land owners and occupiers  
within the Shire of Kojonup

Pursuant to section 33 of the Bush Fires Act 1954

## SHIRE OF KOJONUP

### 2014/2015 FIRE BREAK ORDER



By order of the Shire of Kojonup Council 19 May 2014  
Rick Mitchell-Collins, Chief Executive Officer

**BUSH FIRE BAN PHONE LINE: 9831 0145**  
**BUSH FIRE EMERGENCY: 9831 1580 or 000**

#### PROHIBITED BURNING TIME

**1 November – 28 February**

Permits may be issued between 1 Nov – 15 Dec for protective burning only. Between 16 Dec – 28 Feb no fires may be lit without the express permission of the Chief Bush Fire Control Officer. The Shire Council has authority to extend this date and you should consult with your local Fire Control Officer or ring the hotline on 9831 0145.

#### RESTRICTED BURNING TIME

**1 October – 31 October & 1 March – 30 April**

Permits are required for all fires lit during these Restricted Burning times and must be obtained from your local Fire Control Officer who will explain the conditions under which fires may be lit.

Permits will not be issued for townsite burning between 1 Mar – 30 Apr. Please note restricted burning times may be extended by the CBFCO, you should consult with your local Fire Control Officer or ring the hotline on 9831 0145.

#### NON RESTRICTED BURNING TIME

**1 May – 30 September**

Landholders must still take necessary precautions to keep their fires under control and on their own properties.

#### SPRAYING REMINDER

Chemical spraying of firebreaks on land within a gazetted townsite is to be completed to the Shire's satisfaction by the 15 September.

#### FIREBREAK INSPECTION WARNING

**3 December** – All firebreaks and fire hazard reduction measures to be completed on land within the gazetted townsite.

**4 December** – Council will conduct its annual firebreak inspection of all land within the gazetted townsite.

**14 December** – All protective burning and firebreak precautions to be completed on land outside the gazetted townsite.

**16 December** – Council will commence its aerial and ground inspection process of all land outside the gazetted townsite.

#### IMPORTANT DATES

**BURNING RULES**

1. Patrolling of all fires is the responsibility of the landowner or occupier for as long as the fire poses a risk. These include clearing fires as well as protective burning.
2. All adjoining landowners must be notified on the morning of the intended burn whether clearing grass or protective burning is carried out.
3. No fire to be lit before 1300 hours (1pm). If extension of Restricted Burning Period continues after 30 April, a fire may be lit after 1000 hours or at the discretion of the Chief Bush Fire Control Officer.
4. For all grass and stubble fires, no trees or heaps of logs are to be burning within 40 metres of the outside of the perimeter break.
5. All stubble/grass burns conducted within the restricted burning period must have a 2.4 metre wide perimeter break cleared of all flammable material.
6. All other conditions on a WRITTEN PERMIT to burn must be complied with.

**NON-COMPLIANCE WITH THE ABOVE MAY LEAD TO PROSECUTION.**

The above rules are to be observed in all cases unless your Fire Control Officer gives special approval to any alternative provisions.

**TO REPORT A FIRE**

Contact Either Zulu or Fire Control Officer in the first instance or dial 9831 1580 or 000.

Provide the following information:

- Your name and contact number
- Fire location (information such as landmarks, road names, your location and the direction of smoke and estimated distance is helpful in establishing fire location)
- If it is a private property, supply the property owners name if known
- Provide details of site access if known

**RADIO COMMUNICATIONS**

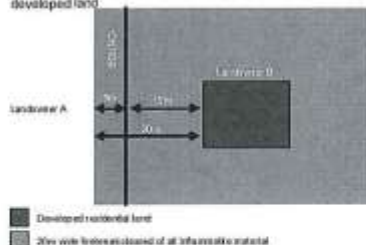
VHF Channel 41	Mid Band Channel
UHF Channel 3	Prior to arrival at firesite
UHF Channel 11	Upon arrival at firesite

**BURNING RULES****FIREBREAK DIAGRAM 1**

A landowner with a boundary within 20m of a structure must ensure that they complete their portion of the required 20m-perimeter fire-break clear of inflammable material.

**FIREBREAK DIAGRAM 2**

Landowners with either vacant property OR land exceeding 4,000sqm in size must ensure that a 20m boundary firebreak cleared of all inflammable material is installed along any boundary abutting the developed land.

**FIREBREAK DIAGRAMS**



Pursuant to the powers contained in Section 33 of the Bush Fire Act 1954, you are hereby required to have firebreaks clear of all inflammable material, in the position, of the width, and for the period as specified.

#### 1. Urban Land (Land within a gazetted townsite)

During the period from the 3<sup>rd</sup> December to 31<sup>st</sup> May inclusive, you shall have the following firebreaks:

- On all land, regardless of size or how the land is zoned, a firebreak of no less than 20metres wide cleared of all inflammable material surrounding the perimeter of any homestead building, fuel installation (included drums), or group of such structures or installations. If burning is the method of hazard reduction employed; the inner and outer 2.4 metres of the firebreak must be totally cleared of all inflammable material prior to a burn being undertaken.
- On all land that is 4,000 square metres or less, regardless of how the land is zoned, all remaining flammable material to be reduced to a height of less than 50mm.
- Owners of property with an area greater than 4,000 square meters adjacent to developed residential property, a 20 metre boundary firebreak cleared of all flammable material on the land abutting residential land.
- Where chemical spraying is the method chosen as the means by which firebreaks are constructed, this is to be completed to the Shire's satisfaction by 15<sup>th</sup> September. If not, the Shire will do the work at the landowners' expense.

#### 2. Rural Land (land outside a gazetted townsite)

Homesteads, Buildings, Haystacks, Bulk Fuel, Drums and Liquid Petroleum.

During the period from 14<sup>th</sup> December to the 31<sup>st</sup> May inclusive you shall have firebreaks at least 20metres wide, if provided by burning, cultivating or spraying, or 60 metres wide if provided by being closely grazed or mowed to the satisfaction of the Shire. The firebreaks are to be in such positions as are necessary to completely surround the perimeter of any homestead building (excluding isolated non flammable buildings), fuel installation (including drums), hay stacks (but only haystacks within 60 metres of any building) or group of such structures or installations. In each case, the outer 2.4 metres of the firebreak area must be totally free of any inflammable material and where mowing is the method used; all residue of the mowing process must be removed from the area.

#### 3. Plantation/Tree Farm Land

- Firebreaks shall be 15 metres wide on the boundaries of all plantations, tree farms, or such other locations as may be agreed to by the Council.
- Firebreaks shall be constructed around plantation compartments of approximately 50 hectares.
- A 50 metre perimeter firebreak around all buildings and fuel storage areas, cleared of all flammable material is required.

### URBAN / RURAL / PLANTATION LAND

**Plantation/Tree Farms** – An area exceeding three hectares planted for commercial purposes.

**Boundary Firebreaks** – (15 metre requirements) – a boundary firebreak is defined as an area fifteen metres wide cleared of all flammable materials and having no overhanging tree branches, to provide a vertical clearance of at least five metres.

**Planting Compartment** – An individual area of approx 50 hectares surrounded by firebreaks cleared of all flammable material ten metres wide and five metres vertically. Internal firebreaks must be maintained in a trafficable condition and if needed trees on both sides of the firebreak are to be progressively pruned to allow unrestricted access to maintenance and fire fighting equipment to maintain an effective width of firebreak.

#### Powerlines

If a main power line failure occurs when a Movement of Vehicle Ban is in operation, report to the Chief Bush Fire Control Officer.

Western Power has a minimum requirement of ten metres clearance either side of the outside power pole. Generally, the clearance distanced from the powerline should be no less than the expected mature height of the trees planted in the outside row. However, in all instances where power lines are crossing land where it is proposed that plantations be planted, the owner should consult with Western Power, Bunbury 131351 for advice.

#### Boundary Firebreaks

Boundary firebreaks are not compulsory within the Shire of Kojonup Rural Area.

#### Exemptions

If it is considered impractical for any reason to clear firebreaks on the land as required by this notice you may apply to Council or its duly authorized officer no later than 60 days prior to the date by which firebreaks are required as per this notice for permission to provide firebreaks in alternative positions or take alternative action to abate fire hazards on the land. If Council or its duly authorized offices does not grant permission, you shall comply with the requirements of this notice.

#### Firebreak Inspection

In following the method adopted by Council to inspect the firebreaks required in this notice, it is not necessary for Council to notify you or give you any prior warning that legal action may proceed for failing to comply with the requirements of this notice.

**Penalties: An infringement of \$250. A Penalty of up to \$5,000.** A person in default is also liable, whether prosecuted or not to pay the cost of performing the work directed in this notice if it is not carried out by the required date.

#### Harvesting

As per the Bush Fires Act 1954, it is compulsory that an engine powered pumping unit and not less than 600 litres of water must be in attendance during grain harvesting operations. Trailing units must have the towing vehicle attached at all times. The fire fighting unit must be located in the paddock being harvested at all times.

**Penalties: An infringement of \$250. A Penalty of up to \$5,000.**

#### Swathers, Balers and Track Chainers

These are subject to the same conditions as Harvesting i.e. an engine powered pumping unit and not less than 600 litres of water be in attendance during operations from 1<sup>st</sup> Dec onwards (excluding canola swathing).

#### Oxycetylene, Arc Welders, Friction Cutting Equipment etc.

These are subject to the same conditions; whilst used in the open; as swathers and balers and in addition, the work site must be adequately cleared of flammable material before the use of the above equipment

#### TOTAL FIRE BAN DECLARATIONS

FESA may, if required, declare "Total Fire Bans" across broad regions of the State. Please check the Kojonup Bush Fire Ban Phone Line 9831 0145 for specific information in case there are local exemptions for agricultural practices.

### DEFINITIONS AND SPECIFICATIONS



**FIRE CONTROL OFFICERS AND BRIGADES 2014/2015**

<b>Bollup</b>			
Ben Johnston	Bravo 1	FCO	9832 8015
Brad Cussons	Bravo 2	LT	9832 8060
<b>Boscabel</b>			
Geoff Gale	Boscabel 1	FCO	9832 8088
Doug Harrison	Boscabel 2	LT	9832 8009
Glenn Woodhams	Boscabel 3	LT	9832 8074
John Benn	Boscabel 4	LT	0409 116950
<b>Changerup</b>			
Gary Marsh	Charlie 1	FCO	9833 2204
Paul Norrish	Charlie 2	DFCO	9832 1017
Murray Magini	Charlie 3	LT	9863 1191
<b>Cherry Tree Pool</b>			
Owen Bignell	CTP 1	FCO	9831 0333
Anthony Kowald	CTP 2	1 <sup>st</sup> LT	9821 0074
Andrew Bushell	CTP 3	2 <sup>nd</sup> LT	9821 0189
Neal O'Halloran	CTP 4	3 <sup>rd</sup> LT	9831 1095
<b>Jingalup</b>			
Lachy Reid	Jingalup 1	FCO	9833 6248
Miles Reid	Jingalup 2	LT	9833 6305
David Eatt	Jingalup 3	LT	9833 6286
<b>Kojonup</b>			
Eric Wright	Keelo 1	FCO	9832 8034
Roger Biliney	Keelo 2	CPT	9831 1657
Graham McIlree	Keelo 3	LT	9831 0570
<b>Lumeah</b>			
Will Carrington-Jones	Leema 1	FCO	9834 3023
Paul Durack	Leema 2	LT	9834 1026
Kit Anderson	Leema 3	LT	9834 3030
<b>Mobrup</b>			
Rob Warburton	Mobrup 1	FCO	9833 7517
Syd Loveland	Mobrup 2	LT	9833 7512
Justin Fleay	Mobrup 3	LT	9833 7546
<b>Muradup</b>			
Mark Blewett	Mike 1	FCO	9832 1130
John Sexton	Mike 2	DFCO	9832 1049
Bob Francis	Mike 3	FCO/TWN	9832 1054
<b>Orchid Valley</b>			
Griff Chomley	OV 1	FCO	9832 3004
Colin Ednie-Brown	OV 2	DFCO	9832 3071
Daniel Simpson	OV 3	LT	9832 3051
<b>Qualeup</b>			
Gray Cavanagh	Qualeup 1	FCO	9832 3058
Katie Daw	Qualeup 2	LT	9832 1003
David Forrester	Qualeup 3	LT	9832 3070
Andrew Marsh	Qualeup 4	LT	9833 2269
<b>Ryans Brook</b>			
Stuart Tohl	Romeo 1	FCO	9834 2225
Duncan Burt	Romeo 2	LT	9834 2283
Bevan Gibbs	Romeo 3	LT	0427 441348
<b>Secretary</b>			
Denise Berryman	Mike 4	Sec	9832 1041

**BRIGADE CONTACT DETAILS****ZULU CONTACTS**

Name	Position	CallSign	Contact Details
Digby Stretch	Chief FCO	Zulu 1	Ph 9833 7521 Mb 0428 540 521 Fx 9833 7540
Tony Fisher	Deputy FCO	Zulu 2	Ph 9831 1504 Mb 0428 311 504 Fx 9831 1845
	Senior FCO	Zulu 3	Ph Mb Fx
Richard Banks	Senior FCO	Zulu 4	Ph 9831 1310 Mb 0429 311 310 Fx 9831 0386

**SECRETARY**

Denise Berryman	Secretary	Mike 4	Ph 9832 1041 Fx 9832 1041
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**SHIRE CONTACT DETAILS**

Shire Office	9831 2400
Works Depot Office	9831 2900
After Hours Emergency Contact	0427 989 187
Works Manager	0427 427 854

**EMERGENCY CONTACTS**

Ambulance	000
Hospital	9831 2222
Doctor (surgery)	9831 1188 or 9831 0622
Police	9831 2555
Kojonup Fire & Rescue Service	9323 9333
Bush Fire Emergency	9831 1580 or 000

**RADIO COMMUNICATIONS**

VHF Channel 41	Mid Band Channel
UHF Channel 3	Prior to arrival at firesite
UHF Channel 11	Upon arrival at firesite

**ZULU & SHIRE CONTACT DETAILS**

**12.4 PROPOSED OVERSIZED OUTBUILDING LOT 14 SOLDIER ROAD, KOJONUP**

AUTHOR: Phil Shephard – Town Planner  
DATE: Wednesday, 7 May 2014  
FILE NO: DB.BDA.8  
APPLICANT: D Lee & R McKenzie  
**ATTACHMENT: 12.4 Site Plan**

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

To consider a proposal to construct a 72m<sup>2</sup> outbuilding on the above property. The recommendation is to approve the proposal with conditions.

**BACKGROUND**

Nil.

**COMMENTS**

The proposal is to construct a new 12m x 5.9m outbuilding on the above lot as shown on the attached plan. The outbuilding will be constructed of steel frames and clad with colorbond painted metal sheeting. The outbuilding will be used as a garage/workshop and for general woodworking/DIY activities, to store personnel effects and farm equipment and is located in front of the existing dwelling constructed on the site. There is an existing garage/shed adjacent to the existing dwelling that will be retained.



The land is zoned Residential under the Shire of Kojonup Town Planning Scheme No. 3 (TPS3) and staff are delegated under TPS Policy No. 9 to approve a maximum floor area of 65m<sup>2</sup>. All applications for outbuildings greater than 65m<sup>2</sup> are required to be presented to Council for determination.

Whilst the outbuilding is slightly larger than the adopted TPS Policy No. 9 requirements of 65m<sup>2</sup> (and the cumulative area of all outbuildings will also exceed 65m<sup>2</sup>), given that:

- The outbuilding is to be clad with colorbond and will effectively join with the existing garage/shed on the property;

- The proposed setbacks to adjoining boundaries are well in excess of the minimum setbacks permitted in the zone;
- The adjoining affected landowner to the north has provided a letter of support for the outbuilding; and
- The lot is over 2ha's in area and much larger than the standard Residential 2.5 lot size of 4,000m<sup>2</sup> 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:

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

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

### **CONSULTATION**

The applicant has provided a letter from the adjoining affected landowner to the north advising they have no objection to the proposed outbuilding proceeding.

### **STATUTORY ENVIRONMENT**

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

The Shire has an adopted Town Planning Scheme Policy No. 9 relating to an outbuilding which is discussed below in the Policy Implications section. Clause 7.6.4 of the TPS3 states that the policies within the scheme:

*“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.”*

This means that the Council must consider what the policy is trying to achieve in regard to any application but are not bound by it. As an option, the Council can, in considering approval to any application, place conditions it sees fit on the approval in order to achieve the desired outcome.

### **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 65m<sup>2</sup>.*

*“The Environmental Health/Building Officer be authorised to approve plans for Special Rural zoned land for sheds with an area up to 65 square metres. 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.”*

**FINANCIAL IMPLICATIONS**

The applicant is required to pay the prescribed planning/building fees in accordance with the Shire's adopted 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 IMPLICATIONS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council approve the proposed 72m<sup>2</sup> colorbond outbuilding for D Lee and R McKenzie on Lot 14 Soldier Road, Kojonup subject to the following conditions:**

- 1) The outbuilding is to be used for storage, garage/workshop and woodworking/DIY purposes only.**
- 2) The location of the outbuilding is to be in accordance with the site plan submitted on 7 May 2014.**

**COUNCIL DECISION**

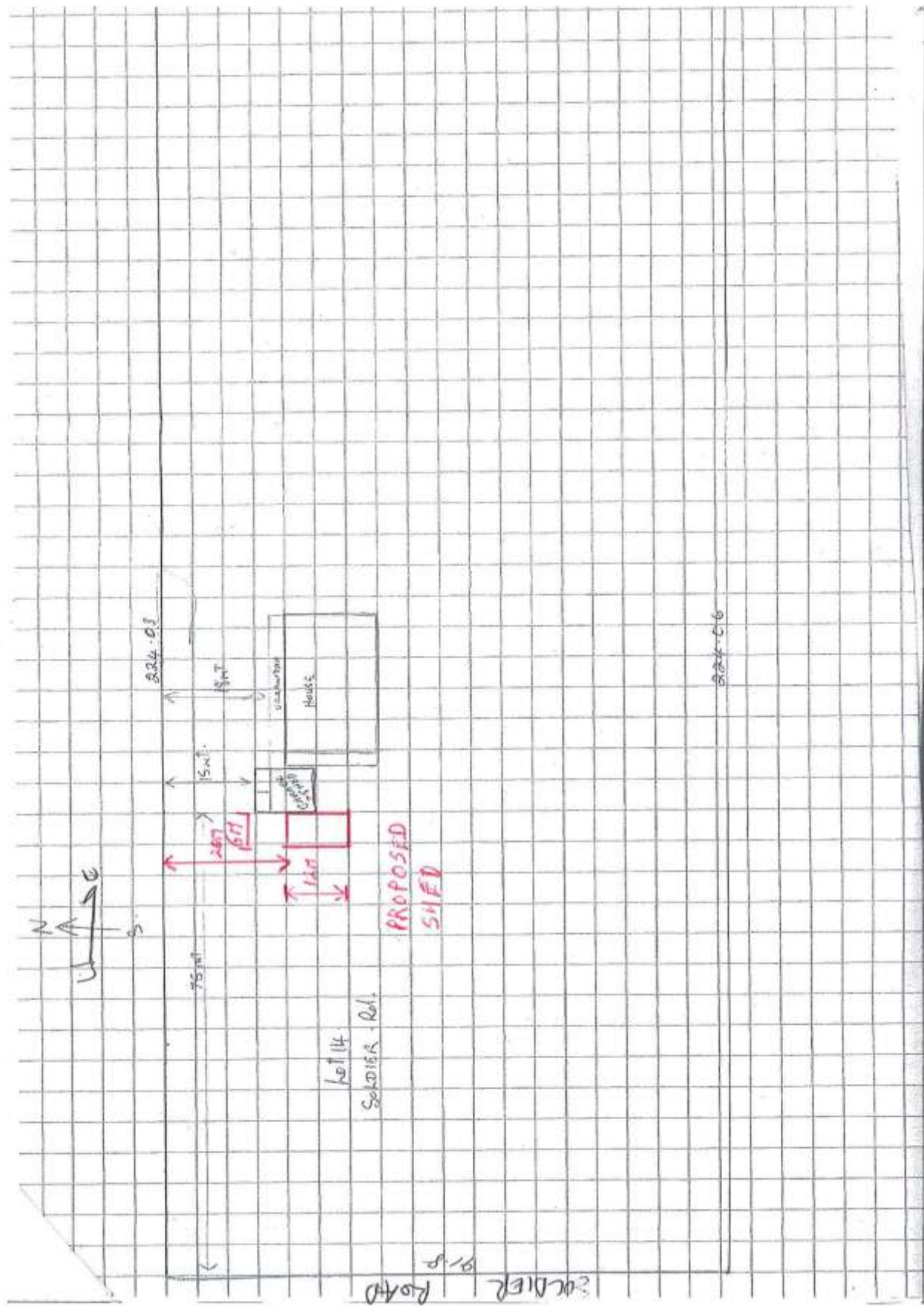
/14 Moved Cr

, seconded Cr

CARRIED/LOST

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**12.5 PROPOSED OVERSIZED OUTBUILDING LOT 504 ALBANY HIGHWAY, KOJONUP**

AUTHOR: Phil Shephard – Town Planner  
DATE: Wednesday, 7 May 2014  
FILE NO: DB.BDA.8  
APPLICANT: N Smart  
**ATTACHMENT: 12.5 Site Plan**

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

To consider a proposal to construct a 135m<sup>2</sup> outbuilding on the above property. The recommendation is to approve the proposal with conditions.

**BACKGROUND**

Nil.

**COMMENTS**

The proposal is to construct an 18m x 7.5m outbuilding on the above lot as shown on the attached plan. The outbuilding will be constructed of steel frames and clad with zincalume. The outbuilding will be used to store personnel effects and farm equipment and is located behind the existing dwelling constructed on the site.



The land is zoned Special Rural under the Shire of Kojonup Town Planning Scheme No. 3 (TPS3) and staff are delegated under TPS Policy No. 9 to approve a maximum floor area of 65m<sup>2</sup>. All applications for outbuildings greater than 65m<sup>2</sup> are required to be presented to Council for determination.

Whilst the outbuilding is larger than the adopted TPS Policy No. 9 requirements of 65m<sup>2</sup>, given that:

- The proposed position of the outbuilding is to located behind the existing dwelling;

- The proposed setbacks to adjoining boundaries are well in excess of the minimum 15m setback permitted in the zone; and
- The lot is larger (5.4ha's) when compared to the standard Special Rural lot of 2ha, the 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:

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

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

## **CONSULTATION**

Nil.

## **STATUTORY ENVIRONMENT**

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

The Shire has an adopted Town Planning Scheme Policy No. 9 relating to an outbuilding which is discussed below in the Policy Implications section. Clause 7.6.4 of the TPS3 states that the policies within the scheme:

*“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.”*

This means that the Council must consider what the policy is trying to achieve in regard to any application but are not bound by it. As an option, the Council can, in considering approval to any application, place conditions it sees fit on the approval in order to achieve the desired outcome.

## **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 65m<sup>2</sup>.*

*“The Environmental Health/Building Officer be authorised to approve plans for Special Rural zoned land for sheds with an area up to 65 square metres. 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.”*

## **FINANCIAL IMPLICATIONS**

The applicant is required to pay the prescribed planning/building fees in accordance with the Shire's adopted 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 IMPLICATIONS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council approve the proposed 135m<sup>2</sup> zincalume outbuilding for N Smart on Lot 504 Albany Highway, Kojonup subject to the following conditions:**

- 1) The outbuilding is to be used for storage purposes only.**
- 2) The location of the outbuilding is to be in accordance with the site plan submitted on 30 April 2014.**

**COUNCIL DECISION**

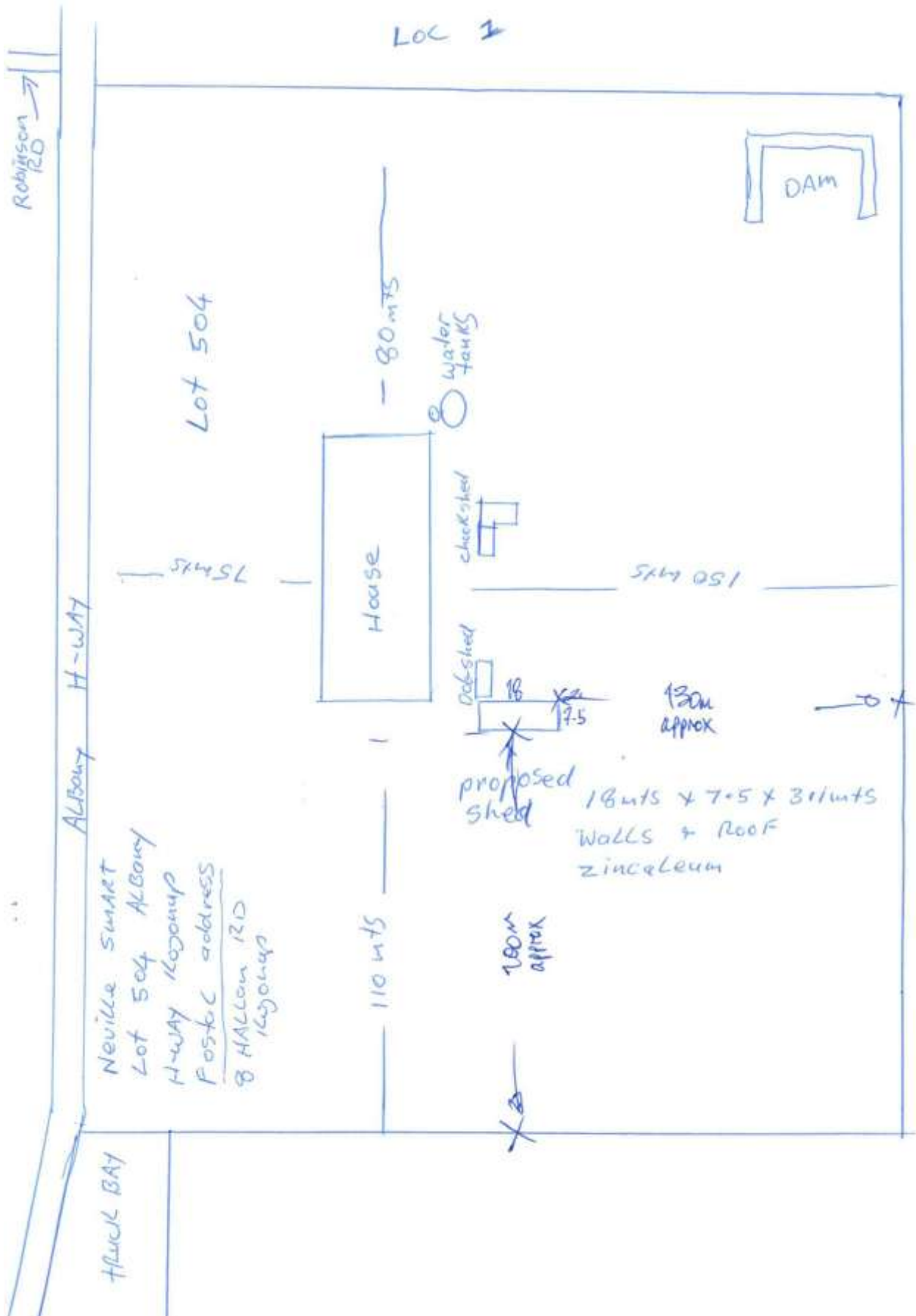
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## 12.6 SPORTS PRECINCT MASTER PLAN – EXPRESSIONS OF INTEREST

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer  
DATE: Tuesday, 13 May 2014  
FILE NO: FM.TND.2  
**ATTACHMENT: Nil**

### DECLARATION OF INTEREST

Nil

### SUMMARY

The purpose of this report is to present to Council Management evaluations of the 18 expressions received and preferred submitters for interview in order to progress the development of a Sports Precinct Master Plan for the Shire of Kojonup.

### BACKGROUND

Council at its meeting held 11 February 2014 passed the following resolution:-

#### That Council:

1. **Direct the Chief Executive Officer as a priority to seek Expressions of Interest for the development of a Master Plan for the Sporting Precinct bounded by Benn Parade, Pensioner Road, Blackwood Road and Delaney Street, which:**
  - a. **Identifies possible development footprints for both passive and active recreation/community pursuits**
  - b. **Compliments both the existing built structures and any future additions**
  - c. **Improves vehicular and pedestrian access**
  - d. **Maximises car parking/storage/inclusion provisions**
  - e. **Identifies potential energy saving options**
2. **The completed Master Plan is to be received by Council no later than 30 June 2014.**

### COMMENT

At the closure date 18 expressions were received including submissions from Victoria and Queensland. The evaluation criteria initially focussed on the following areas:-

- Relevant experience in similar Sports Precinct Planning Projects (Score out of 15);
- Understanding of Project outcomes (Score out of 15);
- Key personnel/Tasks (Score out of 15);
- Proposed Methodology to be used (Score out of 15);
- Referees (Score out of 15); and
- Cost (Score out of 25).

Further analysis addressed:-

- Number of site visits proposed,
- Engagement with users and community,
- Preparedness of consultants to assist Council identify and apply for grant funds,
- Whether this assistance formed part of expression or was additional, and
- Comparative review with other regional councils regarding outcomes achieved and management structures.

ABV (A Balanced View) Leisure Consultants tick all the boxes and have made provision for 3 visits and thorough engagement and consultation with existing user groups, potential users, Education Department/Other partnerships, Council and the Community including assisting with sourcing grant funding and possible management structures.

Paterson Group, Ross Planning, @Leisure Planners, Hames Sharley and CCS Strategic would fulfil requirements but do so at a higher price than ABV but are worthy of interview especially as Hames Sharley's submission includes the preparation of 3 concepts for consideration (similar to approach used for the Main Street Project). CCS Strategic "thinks outside the square" and referee checks indicate they are excellent community communicators as do the Paterson Group.

Ross Planning and @Leisure Planners rate highly however are not WA based (not that this should exclude them) however I will be guided by Council to assess WA submissions first to ascertain if there is a need to look interstate.

#### **Recommended approach following Briefing Session held 6 May 2014**

That the CEO arrange site visits to ABV, CCS Strategic, Hames Sharley and the Paterson Group for Friday 9 May 2014 accompanied by the Shire President and two or three Councillors. (Similar approach used for interviewing Main Street Submissions)

CEO and Councillors following Interviews evaluate preferred Consultant and CEO prepares a formal report for Council consideration at the 20 May 2014, Council Meeting.

#### **Interviews**

CEO, Shire President, Crs. Trethowan and Benn travelled to Perth on Friday 9 May 2014 and conducted site interviews with ABV Leisure Consultants, Paterson Group, CCS Strategic and Hames Sharley. Evaluations were undertaken based on a scale rating of 1 for most preferred and 4 for least preferred.

#### **CONSULTATION**

Encourage clubs and community to take an active interest in the consultation phase of the Master Plan to ensure **ALL** issues, concerns, options etc. are on the table for consideration.

#### **STATUTORY ENVIRONMENT**

Disability Access and Inclusion Plan Provisions (DAIP) Outcome #2 – People with disability have the same opportunities as other people to access the buildings and facilities of the Shire of Kojonup.

Community Sporting and Recreation Facilities Fund (CSRFF) Department of Sport & Recreation.

#### **POLICY IMPLICATIONS**

User Agreements/ MOU's/Trade-offs/Fees & Charges.

Community Funding Program/ Social Inclusion.

#### **FINANCIAL IMPLICATIONS**

Risk Management/Governance/Integrated Strategic Planning.

Project Planning and Asset Management.

Resource Management and Infrastructure Planning.

Accessing grant funding for staged development to occur within reasonable time frames.

#### **STRATEGIC IMPLICATIONS**

##### Community Strategic Plan 2013-2023

- "Staying Active and Entertained" Commitment Register – Prepare a master plan for the Kojonup recreation precinct.

##### Draft Corporate Plan 2013 - 2017

- Strategies 1.1.1 - To expand the way Council communicates with the community and ensure appropriate response times.

CARRIED/LOST /

**12.7 KOJONUP BUSH FIRE ADVISORY COMMITTEE**

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer  
DATE: Tuesday, 13 May 2014  
FILE NO: GO.CNM.9  
**ATTACHMENT: Nil**

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to re-visit the function of the Kojonup Bushfire Advisory Committee (KFBAC) as distinct from the Kojonup Bush Fire Association.

**BACKGROUND**

At a Special Council meeting held 5 November 2013 resolution 159/13 was passed as follows:-

**“That the question of the Council’s standing committees, occasional committees, council delegations, their appropriateness, their membership of and the terms of reference be placed on the notice paper for debate as a matter of priority at the next ordinary meeting of the Council.”**

Council at the Briefing Session held 21 January 2014 reviewed and workshopped the Delegations Register and discussed in detail the range of committees, purpose, public engagement and past/present/future processes to improve effective decision making and integrated planning/reporting.

CEO indicated that on-going process included agenda forum, concept forum, community presentations, status updates, workshops and review sessions to advance good governance.

The Shire of Kojonup has a proud history and relationship with its hard working volunteer Bush Fire Brigades that was again evident at the Bush Fire Association Annual General Meeting held 29 April 2014 where a new constitution was approved including provision for support of a Kojonup Bush Fire Advisory Committee.

Extract from Association Constitution:

**“BUSHFIRE ADVISORY COMMITTEE**

**26. The Council having agreed to the creation of a Bushfire Advisory Committee as a standing committee of Council then;**

- a) The Association shall nominate to the Council for appointment to the committee; the President of the Association, Chief Bushfire Control Officer, Deputy Chief Bushfire Control Officer and Two Senior Bushfire Control Officers. The secretary of the association will be nominated as an official observer.**
- b) The association will request of the Council that at least one elected Councillor and one Council officer be appointed to the Committee.**

**OBJECTS**

**27. To generally advise the council on Bushfire matters.**

**28. To generally support the Council in the observance of the act and give advice in accordance with the act.”**

**CONSULTATION**

Extensive consultation undertaken by the President of the Bush Fire Association with Brigades and Council.

**STATUTORY REQUIREMENTS**

Bush Fires Act 1954.

Fire Brigades Act 1942.

Local Government Act 1995.

A committee is to have as its members, persons appointed by an **absolute majority** by the Council Section 5.10 LGA 1995.

### **POLICY IMPLICATIONS**

Advisory Committee will align with present day statutory requirements.

### **FINANCIAL IMPLICATIONS**

Minimal (if any) variance from existing budget allocations.

### **STRATEGIC IMPLICATIONS**

Draft Corporate Business Plan Strategy 1.4.4 – Maintain a community driven response to bush fire risk management.

### **VOTING REQUIREMENTS**

Absolute Majority

### **Recommended Terms of Reference:**

Section 67 of the Bush Fires Act 1954 states:

*“A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of:*

- advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires,*
- the planning of the layout of fire-breaks in the district,*
- prosecutions for breaches of this Act,*
- the formation of bush fire brigades and the grouping thereof under group brigade officers,*
- the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities; and*
- any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.*

*A committee appointed under this section **shall** include a member of the council of the local government nominated by it for that purpose as a member of the committee.*

*The committee **shall** elect one of their number to be chairman thereof.*

*In respect to a committee so appointed, the local government **shall** fix the quorum for the transaction of business at meetings of the committee and may —*

- (a) make rules for the guidance of the committee;*
- (b) accept the resignation in writing of, or remove, any member of the committee; and*
- (c) where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.*

*A committee appointed under this section—*

- (a) may from time to time meet and adjourn as the committee thinks fit;*
- (b) **shall** not transact business at a meeting unless the quorum fixed by the local government is present;*
- (c) is answerable to the local government and **shall**, as and when required by the local government, report fully on its activities.”*

In addition to the legislative requirements above, the regular input required from brigades could be added to the terms of reference, including:

- Recommendations on Fire Control Officer positions;

- Feedback on the Council's Fire Break Notice;
- Specific requirements from each brigade with regard to Emergency Services Levy considerations such as:
  - PPE;
  - Equipment; and
  - Vehicles, etc.
- Training Requirements; and
- Other Bush Fire related issues particularly legislative implications.

The format of KBFAC meetings is suggested as follows:

- The Committee to meet at least twice per year namely the start and end of the fire season, October and April;
- The notice of meeting and draft agenda to be sent to all Committee members 14 days prior to the meeting date; and
- KBFAC members to consult with Association members to put forward a brigade point of view at the KBFAC meetings.

**OFFICER RECOMMENDATION****That Council:**

1. In accordance with Section 67 of the Bush Fires Act 1954 the Kojonup Bush Fire Advisory Committee (KBFAC) comprise of:-
  - Chief Bush Fire Control Officer;
  - Deputy Bush Fire Control Officer;
  - Two Senior Bush Fire Control Officers as nominated by the Kojonup Bush Fire Association;
  - President of the Kojonup Bush Fire Association;
  - Member Councillor \_\_\_\_\_ or in their absence a Deputy Member \_\_\_\_\_;
  - One Council officer as directed by the CEO; and
  - CEO and Kojonup Bush Fire Association Secretary to be official observers.
  
2. The committee terms of reference will be:
  - advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires,
  - the planning of the layout of fire-breaks in the district,
  - prosecutions for breaches of this Act,
  - the formation of bush fire brigades and the grouping thereof under group brigade officers,
  - the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities; and
  - any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.
  - Recommendations on Fire Control Officer positions;
  - Feedback on the Council's Fire Break Notice;
  - Specific requirements from each brigade with regard to Emergency Services Levy considerations such as:
    - PPE;
    - Equipment; and
    - Vehicles, etc.
  - Training Requirements; and
  - Other Bush Fire related issues particularly legislative implications.
  
3. The format of KBFAC meetings is as follows:
  - The Committee to meet at least twice per year namely the start and end of the fire season, October and April;
  - The notice of meeting and draft agenda to be sent to all Committee members 14 days prior to the meeting date; and
  - KBFAC members to consult with Association members to put forward a brigade point of view at the KBFAC meetings.

**COUNCIL DECISION**

/14 Moved Cr

, seconded Cr

CARRIED/LOST

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**12.8 PROPOSED DEMOLITION OF DWELLING LOT 48 (No. 6) CRESCENT ROAD, KOJONUP**

**AUTHOR:** Phil Shephard – Town Planner  
**DATE:** Wednesday, 14 May 2014  
**FILE NO:** DB.BDA.8  
**APPLICANT:** K Marsh  
**ATTACHMENT:** 12.8 Site Plan and photos

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

To consider a proposal to demolish the existing dwelling on the above property. The recommendation is to approve the proposal with conditions.

**BACKGROUND**

Nil.

**COMMENTS**

The proposal is to demolish the existing dwelling on the above property with a small outbuilding at the rear of the property. No details have been provided on the future development of the site.



No. 6 (LOT 48) CRESCENT ROAD, KOJONUP (IMAGE TAKEN FROM SYNERGY DATABASE)

The land is zoned Residential under the Shire of Kojonup Town Planning Scheme No. 3 (TPS3) and there is no delegation available for staff to deal with the application and it must be submitted to the Council for a decision.

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

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

Staff recommend option 3) is adopted to approve the application subject to conditions.

The proposed demolition will also require a Demolition Permit to be issued by the Shire and it is requested that this include a requirement to advise adjoining neighbors prior to the works commencing given that there is an amount of asbestos material contained in the existing dwelling.

**CONSULTATION**

Nil.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

The applicant is required to pay the prescribed planning/building fees in accordance with the Shire's adopted 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 IMPLICATIONS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION****That Council:**

- 1) **Issue Planning Consent for the proposed demolition of the dwelling on Lot 48 Crescent Road, Kojonup subject to the site being left in a clean and tidy state following demolition.**
- 2) **Include a condition/requirement on the Demolition Permit requiring the applicant to advise adjoining neighbours when the works are to commence.**

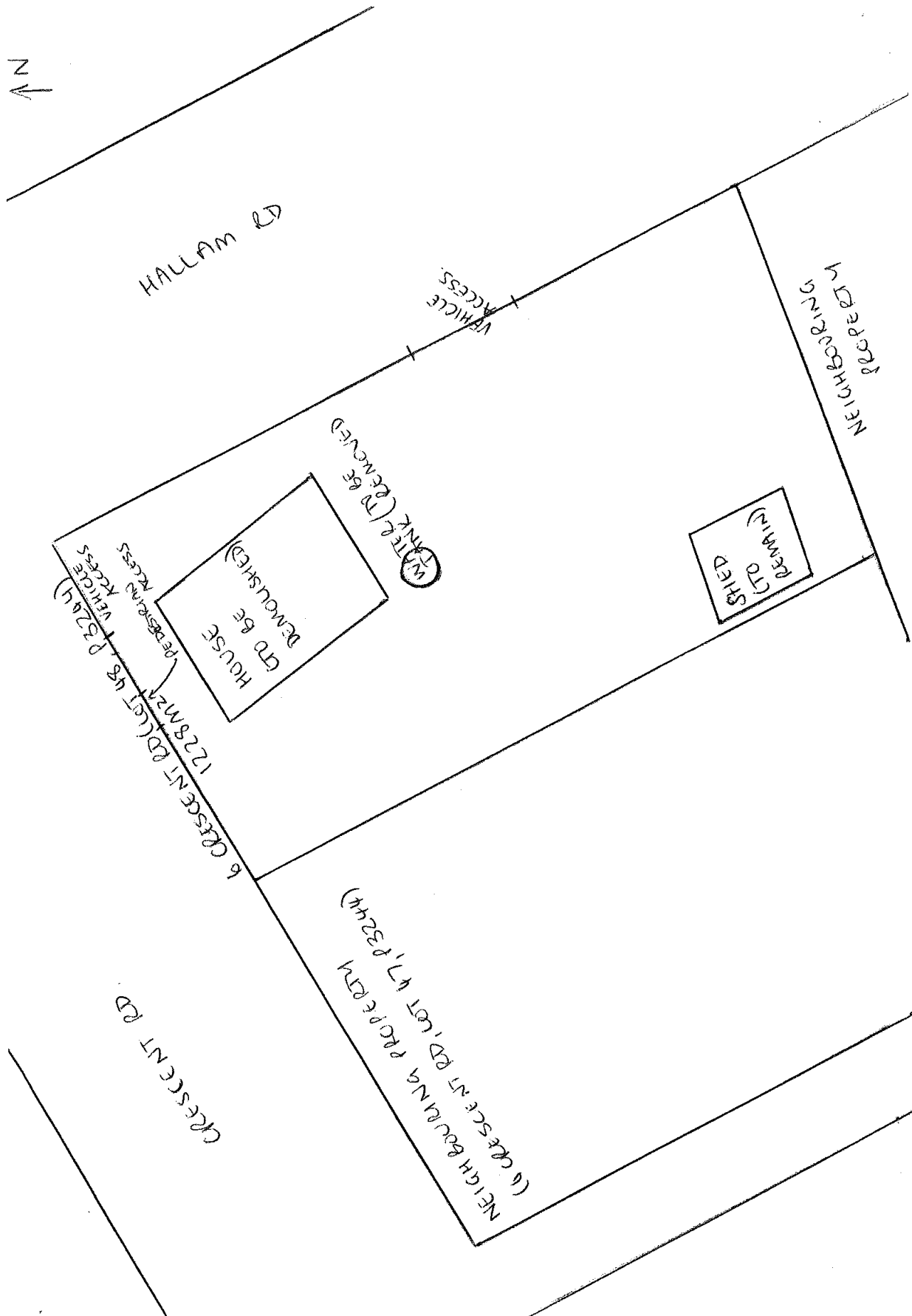
**COUNCIL DECISION**

/14      Moved Cr

, seconded Cr

CARRIED/LOST

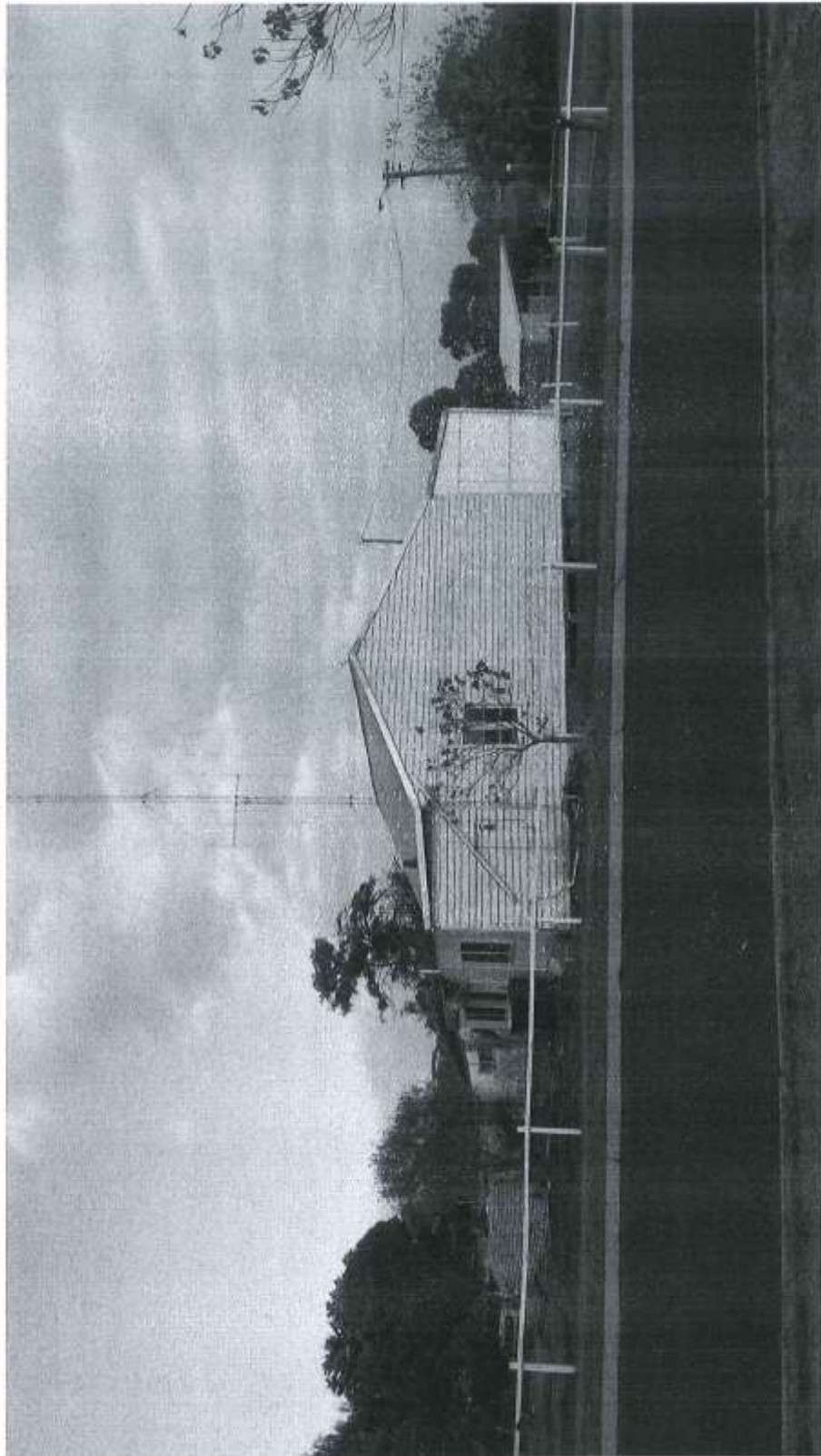
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6 CRESCENT RD, KOJONUP



6 CRESCENT RD, KOJONUP





**13 EXECUTIVE & GOVERNANCE REPORTS****13.1 LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION 2014**

AUTHOR: Dominique Hodge – Personal Assistant to the CEO  
DATE: Monday, 12 May 2014  
FILE NO: GO.CLR.5  
**ATTACHMENT:** 13.1 Extract of Convention Program

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to allow Councillors the opportunity to attend the annual Local Government Convention and Exhibition.

**BACKGROUND**

The annual Local Government Convention for 2014 will be held between Wednesday 6 and Friday 8 August 2013 at the Perth Convention and Exhibition Centre.

**COMMENT**

An extract of the Convention program is attached to this item. The full brochure is available from the Personal Assistant to the CEO if required.

This Convention includes the Annual General Meeting of the Western Australian Local Government Association (WALGA) and provides the year's most important professional development and networking opportunity to all Councillors.

**CONSULTATION**

Nil.

**STATUTORY REQUIREMENTS**

There is no specific legislation applicable to this item.

**POLICY IMPLICATIONS**

Council Policy 3.3 (Councillor Induction & Training) states that:

“All Councillors are encouraged to attend Local Government Week. The Shire President and Deputy Shire President are the Council's nominated delegates to attend the conference and vote on motions on the Council's behalf. The Council shall be required to authorise attendance by any other Councillor wishing to attend.”

**FINANCIAL IMPLICATIONS**

Attendance at this event is allowed for in the budget each year. Full conference registration costs \$1,475 and some additional components of the convention also have separate charges for attendance. Single day charges are available if full conference attendance is not desired.

As the conference will be held in the 2014/2015 financial year, all attendees authorised by the Council will be budgeted for.

**STRATEGIC IMPLICATIONS**

There is no reference to this item in the Community Strategic Plan 2013-2023.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That the following Councillors, in addition to the Shire President and Deputy Shire President, be authorised to attend the 2014 Local Government Convention and Exhibition on 6 to 8 August 2014 at the Perth Convention and Exhibition Centre:**

- Cr \_\_\_\_\_
- Cr \_\_\_\_\_
- Cr \_\_\_\_\_

**COUNCIL DECISION**

/14      Moved Cr \_\_\_\_\_, seconded Cr \_\_\_\_\_

CARRIED/LOST      /

# THE PROGRAM

## WEDNESDAY 6 AUGUST

10.00am	Delegate Service Desk open for Convention Registration (PCEC Level 2)
12.00pm – 1.00pm	2014 WALGA Honours Recipients Luncheon
1.30pm – 5.00pm	<b>WALGA Annual General Meeting</b> Hon Tony Simpson MLA, Minister for Local Government; Community Services; Seniors and Volunteering; Youth Hon Mark McGowan MLA, Leader of the Opposition Presentation of Honour Awards
5.30pm – 7.00pm	Convention Opening Welcome Reception (Exhibition Pavilion, Level 1)

## THURSDAY 7 AUGUST

7.00am	Delegate Service Desk open for Registration (PCEC Level 2)
7.00am – 8.30am	ALGWA (WA) AGM and Breakfast. Register online via Delegate Registration. Other enquiries to Mayor Heather Henderson – City of Subiaco M 0457 733 469 or hhenderson@subiaco.wa.gov.au; OR Cr Janet Davidson OAM JP – City of Perth M 0417 974 936 or janetdavidsonjp@hotmail.com
7.00am – 8.30am	2014 ICLEI Oceania Recognition and Waterwise Councils Awards Breakfast (enquiries to the ICLEI Events Team (08) 9364 0643 or greg.hales@iclei.org)

## ILLUMINATE 2014

9.00am



Hon John Howard OM AC

## OPENING SESSION

### Keynote Address from Hon John Howard OM AC

The Honourable John Howard was the 25th Prime Minister of Australia and the second-longest serving Australian Prime Minister. During his tenure as Prime Minister, John Howard showed an unflinching commitment to his party's beliefs and passed a number of important reforms and legislature. These were in response to the major issues Australia faced at the time including taxation, industrial relations, immigration, gun control, the Iraq war, and Aboriginal relations.

Steering the ship of what is the most prominent Western stronghold in the Asian-Pacific Rim requires visionary and forward-thinking leadership. Australian Prime Minister John Howard approached his responsibilities to his country from a uniquely global viewpoint, providing economic vision and security strategies that raised Australia's profile and impact around the world. John Howard will discuss the role of world leaders in a new century, detailing steps for handling the growing concerns of globalisation and global economics, the environment, and threats to international security.

10.15am – 11.00am

Refreshments

## SESSION 2

## ECONOMY IN THE LIMELIGHT

11.00am



Chris Richardson

Hear from one of Australia's best known economists, Chris Richardson, widely acknowledged as an expert in macroeconomic forecasting. Chris will provide valuable insights into Australia's current relationship with neighbouring countries; Local Government growth and partnership opportunities; and the state of the market in local and international economies.

*Chris Richardson, Partner, Deloitte Access Economics*



2014 WESTERN AUSTRALIA LOCAL GOVERNMENT CONVENTION &amp; TRADE EXHIBITION

**SESSION 3**

12.00pm



Paul Huschilt

**EVERYBODY STAY CALM**

Get set for an imaginative and hilarious quest to conquer stress and build resilience. Using laughter, interaction and personal reflection, this session will provide effective and easy-to-apply tools that can help you through challenging situations in and out of the office. Glean techniques about how to get the most out of life, deal with change and laugh at just about anything.

*Paul Huschilt, Storyteller Extraordinaire*

1.00pm – 2.00pm

Lunch

**SESSION 4**

2.00pm

**CONCURRENT SESSIONS I**

All delegates will be asked to indicate session preference when registering to assist with venue planning.

Community &amp; Planning

**Planning for Generation Z**

Generation Z is coming. This is the generation currently being born. Many members of this generation are highly connected, having had lifelong use of communication and media technology such as the World Wide Web, instant messaging, MP3 players, and mobile phones. Consequently, a lack of physical activity is putting Generation Z at risk of being the first generation to live shorter, less healthy lives than their parents. What does this mean for Local Government program development and infrastructure investment? Leading experts will explore what is needed in relation to the provision of services to Generation Z, how to deliver them, and the partnerships required to make it happen, with a number of innovative examples from across WA.

Community &amp; Planning

**Transforming Caravanning & Camping**

Caravanning and camping plays an important role for increasing visitation to regional areas of Western Australia. The State Government, in partnership with industry and Local Government, is committed to developing Western Australia as the nation's most attractive caravan and camping holiday destination by improving the supply, delivery and promotion of the sector. This session will update delegates on opportunities for Local Government through the Royalties for Regions funded WA Caravan & Camping Action Plan 2013-2018, showcasing some of the initiatives underway by WA's Local Councils and the strategic rationale behind these projects.

Governance

**A Matter of Ethics**

Ethics is not about character, but about making decisions in a professional manner. Councillors need to make difficult decisions that do not always have unanimous support in the community. In order to maintain the confidence of the community, Councillors must ensure that these decisions are made in an ethical and impartial manner. This session will focus on the place of ethical decision making in the role of an Elected Member, as well as the importance of balancing representative duty with Board-like behaviour.

Personal &amp; Professional Development

**Spotlight on Social Media**

One of the roles of a Councillor is to facilitate communication between the community and the Council. This session will explore the do's and don'ts of social media, how to use social media to your advantage; and the latest social media trends.

3.30pm – 4.15pm

Refreshments

4.15pm

Banners in the Terrace Awards

## SESSION 5

4.30pm



Rabia Siddique

5.30pm – 7.00pm

6.00pm – 7.30pm

## COURAGE UNDER FIRE

A former war crimes and terrorist prosecutor, international humanitarian, retired British Army officer, hostage survivor and mother of triplets, Rabia's story of courage, strength and resilience, and her commitment to equality, justice and authentic leadership, defines her and sets her apart as a sincere, charismatic and remarkable individual. Having battled abuse, discrimination, chronic health problems and trauma, Rabia is more than just a survivor. Rabia is a fighter, a trail blazer and an eternal optimist.

*Rabia Siddique, lawyer, former British Army Officer and author of 'Equal Justice'*

Sundowner in the Exhibition Pavilions; OR

Mayors and Presidents' Reception at Council House hosted by the Right Honourable the Lord Mayor Ms Lisa Scaffidi (by prior invitation)

## FRIDAY 8 AUGUST

7.00am

7.30am – 8.45am

Delegate Service Desk open

Convention Breakfast with Glenn Mitchell



Glenn Mitchell

For more than two decades from early 1990, Glenn Mitchell lived a life that many envied. As a sports commentator for the ABC, and married to fellow broadcaster, Karen Tighe, he travelled the world covering elite level sport. He has witnessed first-hand both sporting triumph and disaster. As such he is well placed to share his thoughts on what makes a true sporting champion. Through a series of anecdotes Glenn will take you behind-the-scenes into the high pressure world of the sporting elite and share their secrets of success with you.

*Glenn Mitchell appears by arrangement with Saxton Speakers Bureau*

## SESSION 6

9.00am



Anna Bligh

## IN THE TOUGHEST OF TIMES

In 2007 Anna Bligh became a household name when she became the first female Premier of Queensland, but her legacy as a State leader will be the exceptional leadership she provided to the State, and the Nation, in the face of the tragedy of the Queensland flood and storm disasters of 2011. Anna Bligh, the Premier of Queensland, certainly made a difference. Her presence and compassion for the suffering of fellow Queenslanders was a reassuring sign that help was on its way. The reconstruction of homes, businesses and infrastructure was the Premier's priority and Anna Bligh led the reconstruction charge, never shirking accountability.

*Anna Bligh, Former Queensland Premier*

*Anna Bligh appears by arrangement with Saxton Speakers Bureau*

## SESSION 7

10.00am



Peter FitzSimons AM

## LITTLE THEORIES OF LIFE

Peter FitzSimons is a rugby star, best-selling author, well respected columnist for the Sydney Morning Herald and Sun-Herald, and a television presenter on Fox Sports. He speaks four languages, has played rugby for Australia, co-hosted radio shows with Mike Carlton and Doug Mulray, has interviewed famous people around the globe from George Bush to Diego Maradona. Peter has also written over twenty best-selling books including Batavia, Tobruk, Kokoda, A Simpler Time, Little Theories of Life and biographies on Steve Waugh, Nick Farn-Jones, Kim Beazley, John Eales and Charles Kingsford Smith. In 2001 he was Australia's biggest selling non-fiction author, duplicating that feat in 2004 with Kokoda.

*Peter FitzSimons AM, rugby star, best-selling author and media commentator*

*Peter FitzSimons appears by arrangement with Saxton Speakers Bureau*

10.45am – 11.30am

Refreshments

**SESSION 7**

11.30am – 12.30pm



Major-General John Cantwell  
(Ret) AO DSC

**ON THE FRONTLINE**

An inspirational leader with an exemplary 38-year career, Major-General John Cantwell served on the front lines of three major wars. Cantwell joined the Australian Army as a private in 1974, rising through the ranks to become a General, commanding troops at almost every level in the Army. He saw combat action in the first Gulf War in 1991 and again served on operations in Iraq in 2006. In 2010 he was the commander of all Australian forces in Afghanistan and the wider Middle East area of operations, for which he was awarded the Distinguished Service Cross for leadership in action. He has twice been recognised in the Order of Australia awards, along with the United States Legion of Merit. He retired from the Army in 2012.

*Major-General John Cantwell (Ret) AO DSC, Australian Military Leader  
Major-General John Cantwell appears by arrangement with Saxton Speakers Bureau*

12.30pm – 1.30pm

Lunch

**SESSION 8**

1.30pm

**CONCURRENT SESSIONS II**

All delegates will be asked to indicate session preference when registering to assist with venue planning.

Governance

**Trust in Transformation**

In July 2013 the State Government announced a range of proposed changes to Local Government arrangements in metropolitan Perth. The proposed changes include reducing the number of Local Governments in Perth with the goal of having new Local Governments in place from 1 July 2015.

This session will discuss the current state of play of Metropolitan Reform and the challenges ahead.

Personal &amp; Professional Development

**Too Toxic to Talk**

We've all come across them: they are the people who drain you of energy instead of enriching you, the people who pull you down instead of raising you up, the people who require more than they can provide; the negative, whining, needy, manipulative people who can turn a happy day into a living hell. No matter how good our people skills are in general, most of us have problems with dealing effectively with this kind of people. Even those with really sharp people skills often get caught up in the polluting relationships (personal or professional) toxic people create.

The good news is that there are effective ways to deal with toxic people and this session will provide a number of strategies to assist in these situations.

*Due to its success, this presentation is a repeat of the 2013 session*

Community &amp; Planning

**Vitalising Vibrant Town Centres**

Town centres and main streets are the focal point of local communities for businesses and residents alike. Councils work hard to ensure that their towns are vibrant, attractive places that can be enjoyed by all and where businesses can thrive. This session will discuss the planning tools available to create these 'Activity Centres', encouraging a mix of uses to achieve diversity and vibrancy. It will explore how the vibrancy needs to be balanced with providing safe and community orientated places where there is a structured approach to alcohol management. The session will also discuss the lessons learned in Victoria following a significant deregulation of liquor licensing.

Personal &amp; Professional Development

**Spotlight on Social Media (Repeated from Thursday)**

One of the roles of a Councillor is to facilitate communication between the community and the Council. This session will explore the do's and don'ts of social media, how to use social media to your advantage; and the latest social media trends.

3.00pm – 3.30pm

Refreshments

3.30pm

**CONVENTION CLOSING ADDRESS**

4.30pm

Official close of the 2014 Local Government Convention

7.00pm – 11.30pm

Pre-Dinner Drinks and Gala Dinner, PCEC, BelleVue Ballroom



## 13.2 DELEGATION REGISTER REVIEW

AUTHOR: Sophie Knight - Policy, Planning and Governance Officer  
 DATE: Thursday, 8 May 2014  
 FILE NO: PE.AUT.2  
 ATTACHMENT: [13.2.1 Delegation Register](#)  
[13.2.2 Repealed Delegations](#)

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

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

**BACKGROUND**

Under the Local Government Act 1995, local governments may delegate the exercise of any of its powers or duties to a committee of Council or the Chief Executive Officer (CEO) except those powers specifically identified under the Act. The CEO may then delegate these powers (or part thereof) to other officers but only in accordance with the delegation set by Council.

The last review was undertaken in December 2012, though it was presented to Council in December 2013 but was laid on the table. The Act requires that a Local Government authority review its Delegations at least once every financial year. An annual review of Delegations ensure that they remain up to date with Council expectations and reflect current Policy.

**COMMENT**

This year there are a number of Delegations that have been repealed with a number of minor changes to reflect new legislation. The recommended changes are listed in the table below.

A draft copy of the Delegation Authority Register as amended is attached to this agenda for reference.

Title of Delegation	Reason for change
ADMIN 005 - Appointment Of Authorised Persons	The introduction of the Building Act 2011 repealed part VIII of the <i>Local Government (Miscellaneous Provisions) Act 1960</i>
ADMIN 010 - Provision & Use Of Telephone &/Or Computer In Employee's Residence For Shire Business	Repealed – Not a Delegation, Converted into a Draft Policy.
BLDG 001 - Certain Actions to be Taken on Private Land	Updated title to clearer definition. Correction made to delegate (Building Surveyor) to reflect the actual Delegation. The new <i>Building Act 2011</i> has introduced a range of new processes for considering Building work.
BLDG 002 - Building Plans – Extension of Time to Complete	Updated title to include Demolition Permits. Correction made to delegate (Building Surveyor) to reflect the actual Delegation. The new <i>Building Act 2011</i> has introduced a process for considering extensions to existing approvals.

BLDG 003 - Licence To Deposit Materials on or Excavate Adjacent to a Street	Updated title to current terminology. The new <i>Building Act 2011</i> has changed the previous process for depositing materials from a building site onto other land. The change to this Delegation enables the CEO to respond to requests that will effect Shire land.
BLDG 004 - Issuing Notices for Building Works	Changes as a result of the new <i>Building Act 2011</i> .
BLDG 005 - Certificate in Respect of Buildings on a Strata Plan	Repealed – The new <i>Building Act 2011</i> includes a Building Approval Certificate for Strata Applications. This Delegation has been incorporated into Delegation BLDG 001.
BLDG 006 - Notice of Non-Complying Private Swimming Pools	Repealed – The new <i>Building Act 2011</i> enables the use of Buildings Orders for all Building matters including swimming pool fences. This Delegation is addressed by Delegation BLDG 004.
BLDG 007 - Demolition Licenses	Repealed – For ease of reference this Delegation has been incorporated into Delegation BLDG 001.
DOG 001 - Institute Proceedings for Offences Under The Dog Act	Updated the Title due to the introduction of the new <i>Cat Act 2011</i> . Incorporated the legal provisions of the <i>Cat Act 2011</i> .
DOG 002 - Appointment of Authorised Persons	Updated the Title due to the introduction of the new <i>Cat Act 2011</i> . Include appropriate Authorisations under the Act.
EMPL 001 - Private Use Of Shire Vehicles By Employees	Repealed – Not a Delegation, refer to Policy 2.21 Motor Vehicles - Officers
EMPL 002 - Employee Attendance at Conferences & Seminars	Repealed – Not a Delegation. Refer to Policy 2.16 Staff Training, Conferences & Seminars
EMPL 003 - Staff Housing	Repealed - Not a Delegation. Refer to Policy 2.20 Housing Officers.
FIN 003 Write off Money Owed to Shire	Include small Rate balances of less than \$5.00.
FIN 004 - Write Off Small Rates Balances	Repealed - For ease of reference this Delegation has been incorporated into Delegation FIN 003.
HEALTH 003 - Approval of Applications Under Health Local Laws	Removed typographical error.
HEALTH 004 - Permits for Camping on Private Property	Updated Head of Power.
HEALTH 005 - Appointment of Authorised Persons	The new <i>Food Act 2008</i> requires separate authorisation in place of the previous Health Act requirements.

**CONSULTATION**

Michelle Dennis – Environmental Health Officer

Anthony Middleton – Manager of Corporate Services

**STATUTORY REQUIREMENTS**

The *Local Government Act 1995*, sections 5.42, 5.43, 5.44, 5.45 and 5.46 and Regulation 19 of the *Local Government (Administration) Regulations*.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

A number of delegations provide ability for officers or committees to exercise power to approve tenders or commit funding.

**STRATEGIC IMPLICATIONS**

The requested ongoing delegations assist in administering the strategic direction of Council.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION**

**That Council adopts the amended Delegated Authority Register in accordance with the Local Government Act 1995 and other related legislation.**

**The following Delegations and subsequent Sub-Delegations be repealed;**

- **ADMIN 010 - Provision & Use Of Telephone &/Or Computer In Employee's Residence For Shire Business**
- **BLDG 005 - Certificate in Respect of Buildings on a Strata Plan**
- **BLDG 006 - Notice of Non-Complying Private Swimming Pools**
- **BLDG 007 - Demolition Licenses**
- **EMPL 001 - Private Use Of Shire Vehicles By Employees**
- **EMPL 002 - Employee Attendance at Conferences & Seminars**
- **EMPL 003 - Staff Housing**
- **FIN 004 - Write Off Small Rates Balances**

**COUNCIL DECISION**

/14      Moved Cr

, seconded Cr

CARRIED/LOST

/

**INSTRUMENT OF DELEGATION****ADMIN 010 PROVISION & USE OF TELEPHONE &/OR COMPUTER IN  
EMPLOYEE'S RESIDENCE FOR SHIRE BUSINESS**

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Manager of Corporate Services
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	18/12/12

**DELEGATOR**

Council

**POWER/ DUTY**

The Chief Executive Officer is delegated authority to

- a) Make appropriate financial and other arrangements with employees entitled to have a telephone/fax and/or personal computer installed in his/her principal place of residence within the Shire for some use on approved Shire business.
- b) Make appropriate arrangements to reimburse any employee with any telephone/fax expense incurred on approved Shire business.

**HEAD OF POWER***Local Government Act 1995 (as amended) section 5.42(1)***CONDITIONS**

Subject to approval of expenditure in the Budget

**SUB-DELEGATION - ADMIN (S) 010**

Discharge of power and duty in accordance with the conditions of delegation Admin 010, without further conditions being imposed under this sub delegation.

**HEAD OF POWER OF SUB-DELEGATION AND AUTHORISATION**The CEO exercises this delegation to the Manager of Corporate Services under section 5.42 of the *Local Government Act 1995***RELATED POLICY / FILE REFERENCE AND DOCUMENTATION REQUIREMENTS**

Itemised phone records are required and the employee must sign a declaration the expenditure was for work purposes.

Use of delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to Council regularly.

## BUILDING

### INSTRUMENT OF DELEGATION

#### BLDG 005 CERTIFICATE IN RESPECT OF BUILDINGS ON A STRATA PLAN

Delegate:	Chief Executive Officer	Sub Delegate:	Nil
Adopted by Council:	21/08/2007	Last Reviewed:	18/12/12

#### DELEGATOR

Council

#### POWER/ DUTY

The Chief Executive Officer is delegated the authority to issue appropriate certificates in respect to buildings as may be shown on a strata plan to be lodged for registration under the *Strata Titles Act 1985*.

#### HEAD OF POWER

*Strata Titles Act 1985* section 23(4)

#### CONDITIONS

That the buildings shown on the strata plan are first inspected to ensure compliance with Town Planning, Health and Building Services requirements and that the Environmental Health Officer and Building Surveyor are of the opinion that the buildings are of sufficient standard and suitable to be divided into lots pursuant to the *Strata Titles Act 1985*.

Council is to be informed of all certificates issued under this delegated power.

#### RELATED POLICY / FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

All actions taken are to be saved in the Record Management System.

Use of delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to Council regularly.



**INSTRUMENT OF DELEGATION****BLDG 006 NOTICE OF NON-COMPLYING PRIVATE SWIMMING POOLS**

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	18/12/12

**DELEGATOR**

Council

**POWER/ DUTY**

The Chief Executive Officer is delegated authority to exercise and carry out the powers and duties, pursuant to section 245A of the *Local Government (Miscellaneous Provisions) Act 1960*, with respect to private swimming pools, and to issue notices as required on the owners or occupiers of the land on which there is a swimming pool not complying with the statutory requirements for a barrier to prevent access to the swimming pool by children.

**HEAD OF POWER**

*Local Government (Miscellaneous Provisions) Act 1960 s245A(4)*

**CONDITIONS**

Nil

**RELATED POLICY / FILE REFERENCE AND DOCUMENTATION REQUIREMENTS**

Use of delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to Council regularly.

**INSTRUMENT OF DELEGATION****BLDG 007 DEMOLITION LICENSES**

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Building Surveyor
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	18/12/12

**DELEGATOR**

Council

**POWER/ DUTY**

The Chief Executive Officer is delegated authority to approve the issue of a demolition license to take down a building or part of a building.

**HEAD OF POWER**

*Local Government (Miscellaneous Provisions) Act 1960 s374A*

**CONDITIONS**

Conditions may be placed on the license to ensure the safe and proper execution of the work.  
Council to be advised of any licenses issued.

**SUB-DELEGATION - BLDG (S) 007**

Discharge of power and duty in accordance with the conditions of delegation BLDG 007, without further conditions being imposed under this sub delegation.

**HEAD OF POWER OF SUB-DELEGATION AND AUTHORISATION**

The CEO exercises this delegation to the Building Surveyors under section 5.42 of the *Local Government Act 1995*

**RELATED POLICY / FILE REFERENCE AND DOCUMENTATION REQUIREMENTS**

Use of delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to Council regularly.

## EMPLOYEE

### INSTRUMENT OF DELEGATION

<b>EMPL 001</b>	<b>PRIVATE USE OF SHIRE VEHICLES BY EMPLOYEES</b>
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<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	18/12/12

#### DELEGATOR

Council

#### POWER/ DUTY

The Chief Executive Officer is delegated authority to make all appropriate private use arrangements with employees having use of a Shire vehicle.

#### HEAD OF POWER

*Local Government Act 1995 (as amended) section 5.42(1)*

#### CONDITIONS

The CEO shall have regard to Council's policy but may exercise discretion in the application of the policy where the CEO considers it to be appropriate.

#### RELATED POLICY / FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Arrangements to be recorded on appropriate personnel file.

Use of delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to Council regularly.

**INSTRUMENT OF DELEGATION****EMPL 002      EMPLOYEE ATTENDANCE AT CONFERENCES & SEMINARS**

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Manager of Corporate Services Springhaven Manager Works Manager
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	18/12/12

**DELEGATOR**

Council

**POWER/ DUTY**

The Chief Executive Officer is delegated authority to approve the attendance by Shire employees at conferences, seminars and training courses where, in the opinion of the CEO, attendance will enhance the professional development of the officer, provide benefits to the Shire and is relevant to the duties and responsibilities of the officer.

**HEAD OF POWER**

*Local Government Act 1995 (as amended) section 5.42(1)*

**CONDITIONS**

The CEO in exercising the delegation shall have regard to any Council policy in place from time to time and to the availability of appropriate funding in the Shire's annual budget.

**SUB-DELEGATION - EMPL (S) 002**

Discharge of power and duty in accordance with the conditions of delegation Empl 002, without further conditions being imposed under this sub delegation.

**HEAD OF POWER OF SUB-DELEGATION AND AUTHORISATION**

The CEO exercises this delegation to the Manager of Corporate Service, Works Manager and Springhaven Managers under section 5.42 of the *Local Government Act 1995*

**RELATED POLICY / FILE REFERENCE AND DOCUMENTATION REQUIREMENTS**

Attendance record to be recorded on appropriate personnel file.

Annual report on training activities from prior year to be presented to Council with the Shires annual financial report.

Use of delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to Council regularly.

**INSTRUMENT OF DELEGATION****EMPL 003 STAFF HOUSING****Delegate:** Chief Executive Officer**Sub Delegate:** Nil**Adopted by Council:** 21/08/2007**Last Reviewed:** 18/12/12**DELEGATOR**

Council

**POWER/ DUTY**

The Chief Executive Officer is delegated authority to make all arrangements in regard to occupancy and maintenance of all staff accommodation provided by Council.

**HEAD OF POWER**

*Local Government Act 1995 (as amended) section 5.42(1)*

**CONDITIONS**

The CEO shall have regard to Council's policy.

In the event that any Council provided accommodation is, at any time, not required for entitled Council employees then the CEO is delegated authority to rent the accommodation to persons other than Council employees, provided the tenancy arrangement is on a monthly basis.

**RELATED POLICY / FILE REFERENCE AND DOCUMENTATION REQUIREMENTS**

Tenancy agreements to be formalised and kept on file.

Use of delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to Council regularly.

## FINANCE

### INSTRUMENT OF DELEGATION

<b>FIN 004</b>	<b>WRITE OFF SMALL RATES BALANCES</b>
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<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	18/12/12

#### DELEGATOR

Council

#### POWER/ DUTY

The Chief Executive Officer is delegated authority under section 6.47 to write off small rates balances owed to the Shire.

#### HEAD OF POWER

Local Government Act 1995 (as amended) section 5.42(1)

#### CONDITIONS

The delegated authority is limited to the amount of \$2.

Council to be advised as part of the monthly financial report presented to the Ordinary meeting.

#### RELATED POLICY / FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Authority of write off to be saved in the Record Management System.

Use of delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to Council regularly.



13.3 RESIDENTIAL ACCOMMODATION FOR SENIORS (INDEPENDENT LIVING UNITS) IN THE SOUTHERN LINK REGION – STAGE 1: PROVISION OF INDEPENDENT LIVING UNITS IN CRANBROOK AND KOJONUP

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer  
DATE: Friday, 2 May 2014  
FILE NO: GR.LRL.2  
**ATTACHMENT: Nil**

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The Southern Link Voluntary Regional Organisation of Councils (VROC) has been successful in its application for \$1.65 million excluding GST from the Royalties for Regions Country Local Government Fund (CLGF) for the construction of six (6), Independent Living Units (ILU).

The Fund Grant Application was duly executed by VROC Shire Presidents and Chief Executive Officers in May 2013. The project will see the construction of 3 two-bedroom units for seniors to be built in Cranbrook and 3 two-bedroom units for seniors in Kojonup. The 3 units will be owned and operated by the Shire of Kojonup.

Kojonup Shires allocation for the construction of three (3) ILU is \$768,750 and a further \$90,000 towards land subdivision costs. Total allocation: \$858,750 excluding GST.

The estimated start date of project is 1 August 2014 with completion before 30 October 2015.

**BACKGROUND**

Elected Members viewed potential areas for units with the Acting CEO and at the Briefing Session held 9 July 2013 and agreed *“That the Acting Chief Executive Officer obtain concept plans for both Peace Park & Old Drive In Site.”*

Manager of Regulatory & Community Services at the Briefing Session held 23 July 2013 updated Elected Members on conceptual plans prepared by H & H Architects for Independent Living Units at Bowler Place or on land between Murby Street and Katanning Road.

Elected Members at the Briefing Session held 6 August 2013 agreed *“That H & H Architects be advised that no further work be carried out on the design of units until the conceptual plans already submitted have been discussed at the next VROC meeting in approximately 2-3 weeks”.*

CEO tabled a report at the Council Meeting held 17 September 2013 and resolved as follows:-

**COUNCIL DECISION 138/13**

**Moved Cr Mathwin, seconded Cr Hewson**

**“That the item be laid on the table pending further detail.”**

**CARRIED**

**6/0**

**REASON FOR CHANGE: Council felt it appropriate not to make any binding decisions until more information is presented.**

Given the State Governments formal approval of the project Management is now in a position to provide additional information recognising that any prior costs directly associated with the VROC ILU's could not be retrospectively allocated against the project.

**COMMENT****Siting Options****1. Peace Park**

The area is presently public open space and zoned Recreational under the Town Planning Scheme No.3 Part II 2.3.

Section 2.3.1 states:-

*“The objectives for land shown as Recreation on the Scheme Map are:-*

- (a) To secure and reserve land for public access and recreation.*
- (b) To maintain public recreation areas for the use of sporting and recreation bodies.*
- (c) To preserve areas of natural vegetation worthy of retention.*
- (d) To provide visual or noise buffer areas between incompatible users.*
- (e) To reflect and protect areas already set aside for National Parks or Crown Reserves”.*

To contemplate the siting of ILU's within Peace Park would require a rezoning application and potentially a 6 month processing timeline which could be extended if public representations are received objecting to a part re-zoning of the area.

Council is also awaiting the initial concept plans for the Main Street Master Plan therefore any delay would not enable Council to meet the VROC ILU Agreement time frames. There is however potential for future ILU accommodation to be incorporated in the review of the Town Planning Scheme No.3 which will commence in the latter half of 2014.





**2. 32 Katanning Road**

The area is zoned R10/20 as per the Shire of Kojonup Town Planning Scheme No.3 which encourages single house, multiple or grouped dwellings subject to compliance with State Planning Policy 3.1 Residential Design Code and amendments.

The aim of the R-Codes is to provide general site requirements of dwellings with respect to:-

- Minimum site area per dwelling,
- Minimum lot area/rear battle axe,
- Minimum frontage,
- Open Space, and
- Minimum setbacks to streets/boundaries.

The area is conducive to residential subdivision with a mixture of single dwellings and units. Single dwellings on lots averaging 800-1,000m<sup>2</sup> provides sufficient area for a detached shed/garage and secured parking/storage for boats/caravans. Normal urban residential lots of approximately 600-700m<sup>2</sup> could be provided but only if full sewer reticulation was available.

Unit clusters allowing for strata title development are also appealing in the area if appropriately designed and lots clearly identified in the subdivision proposal in preference to an ad hoc approach. Once again, sewer infrastructure would determine building envelope and lot sizes as the area unfortunately does not have reticulated sewer. Such developments ideally should be private sector driven allowing Council to focus on Aged Person Accommodation given the perceived demand as identified in the VROC business case proposal.

32 Katanning Road would accommodate 3 ILU's however it is not the preferred location at this time for a one-off 3 unit development for seniors as per the business case proposal lodged by the Southern Link VROC.





### 3. Springhaven –Land fronting Soldier Road

The land is zoned Special Use Aged Persons Accommodation as per the Shire of Kojonup Town Planning Scheme No.3. The use of land in the Special Use Zone (3.2.5) shall be consistent with the following objectives:

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

Section 3.5 of the Planning Scheme states:-

*“No person shall use land or any building or structure thereon in a special use zone, except for the purpose set against that land in Schedule II and subject to compliance with any conditions specified in the Schedule, or in a Town Planning Scheme Policy, with respect to the land”.*

The area of land has been specifically and deliberately set aside under the existing Planning Scheme for Aged Person Accommodation (APA) in recognition of the Springhaven Aged Care Facility and nearby Loton Close ILU's. Aged Person Accommodation could consist of an extension of the Springhaven Facility and ILU's or a combination of APA for single or couples with ancillary support from Springhaven regarding meals, health/well-being services and monitoring. The area is within the defined APA precinct and in close proximity to the Hospital.

The land is ideally situated (subject to Engineering Assessment) for ILU development as proposed by the Southern Link VROC application with tremendous potential for future APA's managed by the Shire of Kojonup.

There are other positive aspects to this area other than amenity and visual benefits including:-

- Ability to define and upgrade staff/visitor vehicle access and parking including Ambulance and service vehicles while providing access to APA.
- Alternative main access to Springhaven as limited car parking spaces off Barracks Place make it difficult to manoeuvre (which has been verified in writing by visitors).
- Centralise APA within a defined precinct on Council owned land.
- Maximise development potential for APA in relatively close proximity to essential utilities and services including the shopping precinct.
- Provision for future staged cluster development as per H & H Architects design drawings previously viewed by elected members at the Briefing Session held 23 July 2013.





#### **4. Southern Side of Loton Close**

Loton Close has specifically been identified by Council over a number of years as ideal for ILU accommodation for seniors; hence the northern side of Loton Close has been fully developed. The VROC project compliments the continued development of Loton Close for ILU accommodation as water, sewer, street lighting and a sealed road already exist.

The location selects itself as an ideal area for 3 x 2 bedroom units as well as enormous potential for a CEO house, more ILU's and staff housing.

The area is zoned R10/20 as per the Shire of Kojonup Town Planning Scheme No.3 which encourages single house, multiple or grouped dwellings subject to compliance with State Planning Policy 3.1 Residential Design Code and amendments.

The aim of the R-Codes is to provide general site requirements of dwellings with respect to:-

- Minimum site area per dwelling,
- Minimum lot area/rear battle axe,
- Minimum frontage,
- Open Space
- Minimum setbacks to streets/boundaries.

A small section of land in the South East corner of the Council owned land is zoned Rural as this area falls within the Sewerage Treatment Ponds Protection Buffer Zone but has no impact on the ILU building footprint.

**Loton Close – Southern side is the preferred site option.**





### **CONSULTATION**

Undertaken as part of business case proposal and development of the Community Strategic Plan.

### **STATUTORY ENVIRONMENT**

Compliance with:-

- Planning Scheme provisions,
- Building Code of Australia,
- Engineering,
- State/Regulatory Authorities,
- Project milestones and reporting requirements, and





### 13.4 AGED CARE/MEDICAL/HEALTH SERVICES AND FACILITIES PLAN

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer  
DATE: Tuesday, 13 May 2014  
FILE NO: PH.SVP.1  
**ATTACHMENT:** 13.4.1 Letter from State Minister for Health  
13.4.2 Letter from the Office of Rick Wilson

#### DECLARATION OF INTEREST

Nil

#### SUMMARY

To endorse the appointment of Consultants Hames Sharley by Shire President in consultation with CEO to undertake the development of an Aged Care/Medical/Health Services and Facilities Plan following the receipt of an additional donation of \$150,000 from Mr George Church taking his total bequest to \$500,000.

#### BACKGROUND

Council at a meeting held 19 November 2013 passed the following resolution:-

**That:**

- 1. Council proceed with Decision 130/13 points 3-6.**
- 2. Members of the Medical Centre Advisory Committee be advised of the State Governments decision and thanked for their contribution.**
- 3. Council disband the Medical Centre Advisory Committee.**
- 4. The CEO prepare an Expression of Interest for an independent specialist to undertake an Aged Care/Medical/Health Services and Facilities Plan for the Shire of Kojonup for Council consideration in framing the 2014/15 Budget and Long Term Financial Planning including application to the GSDC seeking contribution.**

Council at the July 2013 Council Meeting also proceeded to rezone the land at Lot 3 (32 Spring Street) as a possible future site for a Medical Centre.



At the close of the advertising period, a total of 10 submissions were received. No submissions were received objecting to the proposed scheme amendment. The submissions advise of:

- Future infrastructure servicing requirements (electricity, sewer, water supply, fire hydrants, telecommunications etc.) for development of the lot;
- Support from the Great Southern Development Commission for the project; and

- The Shire's obligations under the *Aboriginal Heritage Act 1972* and known Aboriginal heritage within the adjoining Kojonup Spring area.

No change to the proposed scheme amendment was considered necessary as a result of the submissions received and given the lack of any objection to the proposed scheme amendment, the Shire could proceed to seek final approval to the amendment.

Council at its meeting held 18 February 2014 passed the following resolution:-

**That Council:**

- 1) **Endorse the submission recommendations in the attached Schedule of Submissions for Town Planning Scheme No. 3 – Amendment No. 10.**
- 2) **Pursuant to the *Planning and Development Act 2005* and *Town Planning Regulations 1967* seek final approval of Town Planning Scheme No. 3 – Amendment No. 10 without modification from the Minister for Planning.**
- 3) **Authorise the Chief Executive Officer and Shire President to sign the Town Planning Scheme No. 3 – Amendment No. 10 scheme amendment documents for final approval and apply the Shire's Common Seal accordingly.**

Correspondence was also forwarded to State Health Minister – Dr Hames and Rick Wilson MP Federal Member for O'Connor with the replies received attached.

**COMMENT**

There is growing expectation in the community that Council needs to proceed with the construction of a Medical Centre in order to leverage grant funds from Mr Church's huge bequest. Such an expectation is understandable, however Council and the community have not clearly identified for example:-

- "Whole of Life" costs of a new facility and impact on Long Term Financial Plan,
- Governance issues to be incorporated in a business plan in determining compliance with Accreditation/Risk Management, reporting requirements with Government Agencies etc., management structure, level and number of service agreements,
- Status of the Southern Inland Health Initiative,
- Asset Management/Replacement considerations for Dr King's existing surgery by Council,
- State Budget implications/opportunities,
- Agreement implications (if any) between State Health and Medical Practitioners/Allied Health providers.

The engagement of Hames Sharley is based on the above "Scope of Works" ensuring considerations are addressed and known to all stakeholders and is a precedent to effective/sustainable community planning. The first draft of the plan will be presented to Council at the 17 June 2014 Council meeting.

**CONSULTATION**

Consultants have been provided information from Council including minutes from the Medical Advisory Committee and will meet with Council on 14 May 2014. Extensive public input previously undertaken which is well documented.

**STATUTORY REQUIREMENTS**

Section 5.8 Local Government Act 1995.

**POLICY IMPLICATIONS**

Policy 2.13 Council Advisory Committees

**FINANCIAL IMPLICATIONS**

\$15,000 is required which can be allocated against the initial \$35,000 allocation to the Medical/Health Centre Advisory Committee alleviating a need for additional funds from other programs during 2013/2014.



02 APR 2014



ICR15722

SHIRE OF KOJONUP				
FILE	GR. STK.1			
CEO cc	EC or HC	NFA	MCS	MRCs
ICR	SFO	WM	CDRO	PP
NPSM	SHM	PLAN	SP ✓	

**Deputy Premier of Western Australia  
Minister for Health; Training and Workforce Development**

Our Ref: 25-38810

Ms Ronnie Fleay  
Shire President  
Shire of Kojonup  
PO Box 163  
KOJONUP WA 6395

Dear Ms Fleay

Thank you for your letter of 5 March 2014 regarding the need for aged care, medical, health services, and facilities planning for the Shire of Kojonup.

WA Country Health Service (WACHS) - Great Southern will continue to work collaboratively with all stakeholders to identify immediate and future service needs for the Shire of Kojonup.

Of particular interest, the State Government announced \$565 million over five years to reform and improve access to health care for all residents of the Southern Inland area of Western Australia. The Southern Inland Health Initiative (SIHI) is funded under the Royalties for Regions program. The Central Great Southern Multipurpose Service (which includes the Kojonup Hospital) has been included in the SIHI scope.

As a result, during 2012, a comprehensive health service planning process was completed for Central Great Southern which included Kojonup Hospital. The Shire of Kojonup, other local Shires as well as the Great Southern Development Commission were invited to consultation workshops and provided opportunity to comment on the service plan throughout the draft and final stages of the plan.

The *Service Plan: Central Great Southern Health District (2011/12 – 2021/22)* provides the strategic direction to strengthen the health system over the next 10 years.

The Central Great Southern service plan provided recommendations for service reform which were developed as an outcome of the planning process. They will ensure that future service delivery in the Central Great Southern will:

- Align with National and State policy and plans including the *WA Health Clinical Services Framework 2010 -2011* (CSF 2010a) and SIHI intentions.
- Address the demographic and health needs of the community.
- Meet the projected demand for health services.
- Implement modern and best practice models of care.
- Utilise contemporary health technologies including telehealth.
- Be supported by contemporary healthcare facilities.

- 2 -

I would encourage you to contact Mrs Ruth York, Operations Manager for Multi-Purpose Services sites on 0428 758 213 or e-mail [ruth.york@health.wa.gov.au](mailto:ruth.york@health.wa.gov.au) to progress collaboration.

Thank you for bringing this matter to my attention.

Yours sincerely



Dr Kim Hames MLA  
**DEPUTY PREMIER**  
**MINISTER FOR HEALTH**

31 MAR 2014

**Dominique Hodge**

**From:** Rick Mitchell-Collins  
**Sent:** Tuesday, 13 May 2014 12:54 PM  
**To:** Dominique Hodge  
**Subject:** FW: Aged Care/Medical/Health Services and Facilities Plan

Rick Mitchell-Collins  
**Chief Executive Officer**  
SHIRE OF KOJONUP

93 Albany Highway Kojonup WA 6395 | PO Box 163 Kojonup WA 6395  
**Tel: 9831 2400 | Fax: 9831 1566 | [www.kojonup.wa.gov.au](http://www.kojonup.wa.gov.au)**



FOR RECIPIENTS EXTERNAL TO THE SHIRE OF KOJONUP

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**From:** Cr Ronnie Fleay  
**Sent:** Sunday, 11 May 2014 4:29 PM  
**To:** Arnott, Lesley (R. Wilson, MP)  
**Cc:** Rick Mitchell-Collins  
**Subject:** Re: Aged Care/Medical/Health Services and Facilities Plan

Hi Lesley

Thank you for the update, sorry I was unavailable when you were travelling through. We have engaged consultants to investigate health provision and future needs for the Kojonup community. Once this body of work is complete we will be informed as to what a 'medical centre' for Kojonup should be made up of and how the relationship with State Health provision will tie in with same. Hopefully the Federal budget provides some opportunity for funding and as a result better health provision in regional Australia.

Kind regards  
Ronnie

Sent from my iPad

On 9 May 2014, at 1:47 pm, "Arnott, Lesley (R. Wilson, MP)" <[Lesley.Arnott@aph.gov.au](mailto:Lesley.Arnott@aph.gov.au)> wrote:

Dear Ronnie,

Thanks for returning my phone call, I understand you are in meetings today, so hopefully and email update will suffice.

My apologies that we have not been in contact before now.

Unfortunately many of the plans you have for Kojonup Healthcare service provision appear to be more relevant to State Government funding, and I trust you have made similar approaches to your State Member.

I have made Ministerial Representation to the Minister for Health regarding Regional infrastructure grants for the building of the Medical Centre described in your letter.

Unfortunately their response was that all of the last years funding had been allocated long before your letter was received.

We have been awaiting the upcoming Budget announcements on further funding avenues we may be able to offer you.

As of yesterdays State Budget, you will note there are provisions for funding infrastructure for District hospitals and Residential Aged care facilities, as well as the District Medical Workforce Investment Program, all through the Southern Inland Health Initiative (SIHI). I envisage some of these may be suitable for your proposals.

Again my apologies that this communication has been delayed. Our intention was to provide you with some positive Federal avenues to explore.

Any funding opportunities will be apparent after next weeks Federal Budget is handed down, and we will follow up as soon as we have that information for you.

Regards

Lesley

**Dr Lesley Arnott**

**Research Officer**

**Office of Rick Wilson, Federal Member for O'Connor**

**The Link Shopping Centre, St Emilie Way, Albany WA 6330**

**PO Box 5077, Albany WA 6330**

**Tel: (08) 9842 2777 Fax: (08) 9842 2577**

**Web:** [www.rickwilson.com.au](http://www.rickwilson.com.au)

*Follow Rick*

<image001.jpg> <image002.jpg>

<image003.jpg>

**14     COMMITTEES OF COUNCIL**

Nil

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

Nil

**16     NEW BUSINESS**

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



**17 CONFIDENTIAL REPORTS**

- 17.1 FOOD ACT FINE – REQUEST FOR ADDITIONAL TIME TO PAY  
17.2 AUDIT COMMITTEE – REVIEW OF MEMBERSHIP

AUTHOR: Mort Wignall – Manager of Regulatory & Community Services  
Anthony Middleton – Manager of Corporate Services  
DATE: Thursday, 8 May 2014  
FILE NO: PH.INS.5 & GO.CNM.9  
ATTACHMENT: 17.1 Confidential Report  
17.2 Confidential Report & Attachment

**SUMMARY**

- The purpose of this item is to seek Council's approval for an extension of time for payment of fines for breach of the Food Act 2008.
- The purpose of item 17.2 is to review the membership of the Audit Committee to consider:
  1. An expression of interest received for membership on the Committee;
  2. The remaining vacant position of 'community member' on the Committee; and
  3. Appointing individual elected members to the four (4) positions.

**STATUTORY REQUIREMENTS**

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

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

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

**VOTING REQUIREMENTS**

Simple Majority



**18      NEXT MEETING**

Tuesday, 17<sup>th</sup> June 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 ..... pm.

**20      ATTACHMENTS (SEPARATE)**

- Item 10.1      Monthly Statement of Financial Activity
- Item 10.2      Monthly Payment Listing 1/4/2014 – 30/4/2014
- Item 10.7      Minutes of the Annual Electors Meeting held 15 April 2014
- Item 12.1.3    Acknowledgement Form from Brigades
- Item 13.2.1    Delegation Register
- Item 17.1      Confidential Report
- Item 17.2      Confidential Report & Attachment