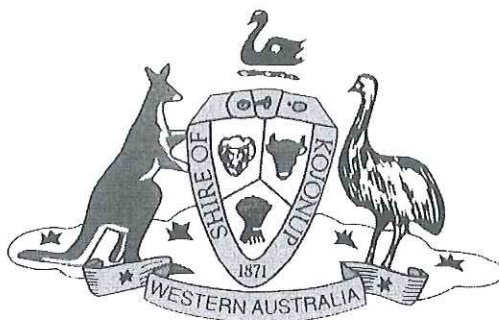


# SHIRE OF KOJONUP



## Council Agenda

*19<sup>th</sup> March 2013*

**TO: THE SHIRE PRESIDENT AND COUNCILLORS**

NOTICE is given that a meeting of the Council will be held in Council Chambers, Administration Building Albany Highway, Kojonup on Tuesday 19<sup>th</sup> March 2013 commencing at 3:00pm.

Your attendance is respectfully requested.

**ANTHONY MIDDLETON**  
**ACTING CHIEF EXECUTIVE OFFICER**

*15* March 2013

**SHIRE OF KOJONUP****AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 19<sup>th</sup> March 2013****TABLE OF CONTENTS**

<b>1</b>	<b>DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS</b>	<b>3</b>
<b>2</b>	<b>ATTENDANCE, APOLOGIES &amp; LEAVE OF ABSENCE</b>	<b>3</b>
<b>3</b>	<b>SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE</b>	<b>3</b>
<b>4</b>	<b>PUBLIC QUESTION TIME</b>	<b>5</b>
<b>5</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>	<b>5</b>
<b>6</b>	<b>CONFIRMATION OF MINUTES</b>	<b>5</b>
<b>7</b>	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION</b>	<b>6</b>
<b>8</b>	<b>PETITIONS, DEPUTATIONS &amp; PRESENTATIONS</b>	<b>6</b>
<b>9</b>	<b>DECLARATIONS OF INTEREST</b>	<b>6</b>
<b>10</b>	<b>CORPORATE SERVICES REPORTS</b>	<b>7</b>
10.1	FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY	7
10.2	MONTHLY PAYMENTS LISTING	9
<b>11</b>	<b>WORKS &amp; ENGINEERING REPORTS</b>	<b>11</b>
11.1	GLENOAKLANDS, MOBRUP & WANDOORA – REQUEST FOR ROAD NAME CHANGE	11
<b>12</b>	<b>COMMUNITY &amp; REGULATORY SERVICES REPORTS</b>	<b>15</b>
12.1	PLANNING APPLICATION FOR FAMILY DAY CARE AT LOT 36 BLACKWOOD ROAD, KOJONUP	15
12.2	APPLICATION FOR REDUCED REAR SETBACK TO CARPORT ADDITIONS AT 18 BIGNELL ROAD (CNR. WATTS ROAD) KOJONUP.	23
<b>13</b>	<b>EXECUTIVE &amp; GOVERNANCE REPORTS</b>	<b>27</b>
13.1	2012 STATUTORY COMPLIANCE AUDIT RETURN	27
13.2	INTEGRATED PLANNING – COMMUNITY STRATEGIC PLAN	38
13.3	WORKS & ENGINEERING POLICY REVIEW	40
13.4	VISITOR SERVICING – MEMORANDUM OF UNDERSTANDING WITH KOJONUP TOURISM ASSOCIATION	45
13.5	KODJA PLACE ADVISORY COMMITTEE – ESTABLISHMENT AND MEMBERSHIP	47
<b>14</b>	<b>COMMITTEES OF COUNCIL</b>	<b>50</b>
14.1	AUDIT COMMITTEE	50
<b>15</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	<b>50</b>
<b>16</b>	<b>NEW BUSINESS</b>	<b>50</b>
<b>17</b>	<b>CONFIDENTIAL REPORTS</b>	<b>50</b>
<b>18</b>	<b>NEXT MEETING</b>	<b>50</b>
<b>19</b>	<b>CLOSURE</b>	<b>50</b>
<b>20</b>	<b>ATTACHMENTS (SEPARATE)</b>	<b>51</b>

## 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 & LEAVE OF ABSENCE**

Cr Jane Trethowan	Shire President
Cr John Benn	Deputy Shire President
Cr Frank Pritchard	
Cr Jill Mathwin	
Cr Ian Pedler	
Cr Greg Marsh	
Cr Michael Baulch	

Mr Anthony Middleton	Acting Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mr Craig McVee	Manager of Engineering & Works
Mr Mort Wignall	Manager of Regulatory & Community Services
Mrs Heather Marland	Senior Finance Officer
Miss Sophie Knight	Policy, Planning and Governance Officer

#### **APOLOGIES**

Cr Rosemary Hewson	Granted Leave of Absence at Meeting 19 February 2013
--------------------	--

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

There were questions taken on notice at the 19 February 2013 Council Meeting. The response to these questions has been sent in writing and was as follows:

Dear Phil,

**QUESTIONS TAKEN ON NOTICE – COUNCIL MEETING 19 FEBRUARY 2013 – MATTHEWS TRANSPORT YARD**

Thank you for your involvement in the Council Meeting held on 19 February 2013 whereby you asked questions relating to the town planning status of the Matthews Transport Yard.

Lot 1 and lot 3 Albany Highway, Kojonup is listed as an additional use (Transport Depot) in schedule 7 in the Shire of Kojonup Town Planning Scheme No. 3. An additional use carries its own special conditions under the Scheme and the conditions relevant to this property are as follows:

1. All development of the premises for transport depot uses shall be generally in accordance with adopted Concept Site Plan (DWG SK1 Dated Aug 08) or any minor variation approved by Council. Minor additional uses may be permitted by the Shire of Kojonup if it is satisfied that the use is incidental and ancillary to the predominant transport depot use.
2. Compliance with the Main Roads WA requirements regarding the crossover and drainage of the site.
3. No access/egress or use of Partridge Street for any transport depot activities is permitted.
4. The transport depot operator is responsible to ensure that all activities on the premises are undertaken in such a manner that minimises any potential adverse impacts on neighbouring properties especially noise and dust to the satisfaction of the Shire of Kojonup and other relevant agencies including the Department of Environment and Department of Health. Should problems occur with the operation of the transport depot resulting in noise, dust or similar emissions adversely affecting neighbouring properties, Council will require the operator to undertake all necessary action(s) to ensure the emission is abated.
5. The future use of the premises on Lot 1 and Lot 3 for commercial or residential uses will require the cessation of the transport depot activities as determined by Council.
6. The use of adjoining Lot 2 for residential purposes is recognised by the Shire of Kojonup.
7. No addition or expansion of the grain handling area (i.e. silos) or seed cleaning or drying is permitted without the prior written consent of the Council.
8. Fuel storage shall be the subject of a separate planning consent application and shall be developed in accordance with the relevant standards and requirements.
9. Stormwater drainage of the site shall be in accordance with an overall Drainage Management Plan prepared by the operators to show collection and disposal of stormwater to the satisfaction of the Shire of Kojonup.
10. In recognition of the temporary nature of the Additional Use, a person shall not commence or carry out the Additional Use without having first applied for and obtained the planning consent of Council under the scheme. In granting planning approval Council may set a time period from which any planning approval shall cease to have effect. Upon application made to it within the time period set by Council, Council may grant an extension of time to an approved period.
11. The transport operator shall, to the satisfaction of Council—
  - (a) Establish a program for the provision of information to the neighbouring properties about emissions from the use;
  - (b) Establish procedures for responding to any complaints received regarding operation of the use;
  - (c) Identify actions, procedures and where necessary a timetable for the ongoing reduction of any impacts on the neighbouring properties;
  - (d) Submit a report to Council within one month of the conclusion of each calendar year documenting the actions undertaken and the outcomes achieved in fulfilling the above; and
  - (e) Submit a report to Council every two years documenting a review of the operations of the Additional Use including changes to operational practices, technological advancements, or other matters relevant to the operation of the Additional Use.

Should you have further questions or require more information in relation to this property, please contact the Shire Planning Officer, Phil Shephard on 9831 2400. Phil works each Wednesday morning.

Yours sincerely

Anthony Middleton  
*Acting Chief Executive Officer*

4      **PUBLIC QUESTION TIME**

5      **APPLICATIONS FOR LEAVE OF ABSENCE**

6      **CONFIRMATION OF MINUTES**

ORDINARY MEETING 19<sup>th</sup> February 2013

COUNCIL DECISION

/13      Moved Cr \_\_\_\_\_, seconded Cr \_\_\_\_\_ that the Minutes of the Ordinary Meeting of Council held on 19<sup>th</sup> February 2013 be confirmed as a true record.

CARRIED/LOST      /

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

8     **PETITIONS, DEPUTATIONS & PRESENTATIONS**

9     **DECLARATIONS OF INTEREST**

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

AUTHOR: Kim Dolzadelli – Manager Corporate Services  
 DATE: Thursday, 14 March 2013  
 FILE NO: FM.FNR.2  
 ATTACHMENT: 10.1 Monthly Statement of Financial Activity 1<sup>st</sup> July 2012 to 28<sup>th</sup> February 2013  
 10.1 Appendix A – Springhaven Aged Care Facility Monthly Statement of Financial Activity 1<sup>st</sup> July 2012 to 28<sup>th</sup> February 2013

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To accept the Monthly Statement's of Financial Activity for the period of 1<sup>st</sup> July 2012 to 28<sup>th</sup> February 2013.

**BACKGROUND**

Preparation and presentation to Council of monthly reports are a statutory requirement, with these to be presented to the next ordinary meeting following the close of a month, or it may be presented to the ordinary meeting in the following month after that.

**COMMENTS**

The Statements of Financial Activity for the period 1<sup>st</sup> July 2012 to 28<sup>th</sup> February 2013 show a solid position with 93.66% of rates collected to 28<sup>th</sup> February 2013 and a total amount of cash holdings of \$2,969,753.04 of which \$2,105,476 is held in fully cash backed Reserves; of these total cash funds \$2,020,514 is invested in short term Term Deposits.

The Officer notes that at the time of writing this report the \$1,406,851 WANDDRA (Storm Damage Claim) money had not been deposited into the Shire's Municipal Fund bank account; however the officer advises that verbal confirmation has been received from the Office of Shared Services that the funds transfer will be transacted today, Thursday, 14 March 2013 with funds being deposited on Friday, 15 March 2013.

Cash flow continues to be monitored very closely and this will continue to be a key area focus.

The following update is provided for noteworthy revenue items:

<u>Description</u>	<u>Amount</u>	<u>Expected Receipt Date</u>
Rate Instalments	\$ 130,000	Received up to 28 <sup>th</sup> February 2013
Financial Assistance Grants	\$ 140,144	Received 18 <sup>th</sup> February 2013
WANDDRA (Storm Damage Claim)	\$ 1,406,851	15 <sup>th</sup> March 2013
Roads to Recovery	\$ 281,554	Received 6 <sup>th</sup> March 2013

**CONSULTATION**

Nil.

**STATUTORY ENVIRONMENT**

Financial Management Regulation 34 sets out the basic information which must now be included in the monthly reports to Council. Financial Management Regulation 33A sets out the requirements with respect to the Review of Budget.

**POLICY IMPLICATIONS**

None applicable.

**FINANCIAL IMPLICATIONS**

Occasionally Council may be asked to authorise certain budget amendments/variations by way of separate Senior Officer Reports, but those proposed variations will be taken into account in the monthly Statements of Financial Activity when a full budget review is put before Council. Amendments **are not** being sought in this Agenda.

**STRATEGIC IMPLICATIONS**

This will only occur where it involves variations to the multiple year proposals previously put forward. Impacts to the “Closing Balance” position will also occur or where a Budget Review highlights the requirement for amendments to occur.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That the Monthly Statement's of Financial Activity for the periods of 1<sup>st</sup> July 2012 to 28<sup>th</sup> February 2013, as attached, be accepted.**

**COUNCIL DECISION**

/13      Moved Cr                      , seconded Cr

CARRIED/LOST

/



**10.2 MONTHLY PAYMENTS LISTING**

**AUTHOR:** Kim Dolzadelli – Manager Corporate Services  
**DATE:** Tuesday, 12 March 2013  
**FILE NO:** FM.AUT.1  
**ATTACHMENT:** 10.2 Monthly Payment Listing

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To receive the list of payments that were made from 1<sup>st</sup> February 2013 to 28<sup>th</sup> February 2013.

**BACKGROUND**

Not applicable.

**COMMENT**

The attached list of payments is submitted for receipt by the Council.

**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 F3 provides authorities and restrictions relative to purchasing commitments.

**FINANCIAL IMPLICATIONS**

All payments made are for items where Council has provided a budget authority.

**STRATEGIC IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority from 1/2/2013 to 28/2/2013 comprising of Municipal Cheques 12604 to 12638, EFT's 9888 to 10009 and Internal Payment Vouchers 4275 to 4303 totalling \$538,710.79 and as attached to this agenda, be received.

/13      Moved Cr

CARRIED/LOST

/

**11 WORKS & ENGINEERING REPORTS****11.1 GLENOAKLANDS, MOBRUP & WANDOORA – REQUEST FOR ROAD NAME CHANGE**

AUTHOR: Anthony Middleton – Acting Chief Executive Officer  
DATE: 10 October 2012  
FILE NO: RO.ROA.023, RO.ROA.102 & RO.ROA.204  
ATTACHMENT: 11.1.1 Letter from R & J Warburton  
11.1.2 Highlighted Map of Roads

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To consider a request to change the name of Glenoaklands Road, Mobrup Road and Wandoorra Road to Mobrup Road.

**BACKGROUND**

Rob and Jen Warburton have written to the Council requesting a change in the name of Glenoaklands Road, Mobrup Road and Wandoorra Road to Mobrup Road. A copy of the request and a map showing the three roads is attached.

**COMMENT**

The basis of this request is that the three roads concerned are in real terms one continuing road with three different names. This situation presents a confusion for the road user and creates a potential problem for emergency services. It also creates rural road numbering problems as rural road numbers are a measurement from the beginning of the road.

It is recommended that this request be supported and that the State Government's Geographic Names Committee be requested to approve the change in road name. Although Mr & Mrs Warburton have gained the support of the local residents, it is also recommended that the Council undertake additional community consultation to enable the entire community input on this issue and to fully satisfy the requirements of the Geographic Names Committee.

A small portion of the end of Wandoorra Road is within the Shire of Cranbrook and it is therefore recommended that the Shire of Cranbrook be requested to comment on this proposal also.

**CONSULTATION**

The Council met with Mr Warburton regarding this issue at a briefing session in November 2012.

**STATUTORY REQUIREMENTS**

The Land Administration Act 1997 applies to this item.

**POLICY IMPLICATIONS**

There are no known policy implications.

**FINANCIAL IMPLICATIONS**

There are only minor financial implications for this report. Approximately \$1,500 would be incurred for new signage. Maps etc would not be specifically reprinted for this item, rather replaced under normal timeframes and therefore would not incur costs.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**VOTING REQUIREMENTS – Simple Majority**

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

- 1. The request from Rob and Jen Warburton to change the name of Glenoaklands Road, Mobrup Road and Wandoora Road to Mobrup Road be supported;**
- 2. The proposed road name change be advertised in the Kojonup News seeking community comment;**
- 3. The Shire of Cranbrook be notified of this request and be requested to provide their comments in relation to the portion of Wandoora Road in the Shire of Cranbrook; and**
- 4. Subject to no adverse comments being received in point 2 and 3 above, the Geographic Names Committee be requested to change the name of Glenoaklands Road, Mobrup Road and Wandoora Road to Mobrup Road in the Shire's of Cranbrook and Kojonup.**

**COUNCIL DECISION**

/13      Moved Cr                      , seconded Cr

CARRIED/LOST                      /

R & J Egerton-warburton  
RMB 328  
Kojonup 6395

The Councilors  
Shire of Kojonup  
Albany Highway  
Kojonup 6395 WA

Dear Shire Councilors –

We are writing this letter on behalf of the property owners and residents of the Mobrup area who reside along the stretch of road called the Glenoaklands, Mobrup and Wandoorra Roads.

This single stretch of 18km road runs from the Kojonup -- Frankland Road beginning at a T junction, to the Cranbrook-Boyup Brook Rd, also ending at a T junction. Over the years and with changes of intersections and roads, it has seemingly become known as three different names over a short distance.

After gaining support of all residents, we would appreciate if this road could be named just ONE name, this being the Mobrup Rd. This name seems the most obvious, since the road firstly runs through the centre of Mobrup, and secondly it follows along to the Mobrup Hall, a historical landmark in our area.

It is for these reasons we believe it needs to be changed:

- Danger during fire season with confusion in directions and exact locations of fires and residents
- Day to day confusion with directions to households and properties
- Naming of addresses for residents

High priority is the name change for the Mobrup Road, however, the Forrester and Kestonvale Roads also needs to be highlighted. A similar situation arises in that the Kestonvale Rd turns into Forrester Rd, and then another Forrester Road actually leads off the Forrester Rd! A suggestion would be that the entire Forrester Rd needs to be called Kestonvale Rd, and then retain the Forrester Rd leading off towards the Mobrup Hall.

Thanks for your time and understanding. We look forward to hearing a response.  
Regards,

Rob & Jen Warburton



SEALED ROADS.....  
FORMED ROADS.....  
VEHICULAR TRACKS.....

**12 COMMUNITY & REGULATORY SERVICES REPORTS****12.1 PLANNING APPLICATION FOR FAMILY DAY CARE AT LOT 36 BLACKWOOD ROAD, KOJONUP**

AUTHOR: Phil Shephard – Town Planner  
DATE: 11 March 2013  
FILE: LP.PLN.14  
OWNER: KL Rowe  
ATTACHMENTS: 12.1 Plan of Dwelling and Application Information

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

To consider a planning application to undertake family day care service from the existing dwelling on the above property as outlined in the attached application.

The recommendation is to support the proposal and undertake consultation in accordance with the town planning scheme requirements.

**BACKGROUND**

Nil.

**COMMENT**

The proposal is to provide care for a maximum of 7 children on a two-day a week basis as outlined in the attached submission.

The land use class Day Care Centre is defined within Town Planning Scheme No. 3 as follows:

*Day Care Centre - means land and building used for the daily or occasional care of children in accordance with the Child Welfare (Care Centres) Regulations, 1968 (as amended);*

The use class is not shown as permitted/discretionary within the Special Rural Zone and the activity is deemed to be a 'use not listed', which requires the proposal be subject to consultation prior to the Council determining the application.

Clause 3.3.5 'Zoning Table' of the Scheme states:

3.3.5 *If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use classes, the Council may:*

- (a) *Determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or*
- (b) *Determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 6.2 in considering an Application for Planning Consent.*

The proposal for the day care centre does not compromise the objectives for the Special Rural Zone and it is recommended the proposal should be referred to adjoining landowners and advertised for public comment in accordance with Clause 6.2 prior to the application being determined.

Clause 6.2.3 'Advertising of Applications' of the Scheme states:

6.2.3 *Where the Council is required or decides to give notice of an Application for Planning Consent the Council shall cause one or more of the following to be carried out:*

- (a) *Notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the*

- granting of Planning Consent stating that submissions may be made to the Council within 21-days of the service of such notice;*
- (b) Notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within 21-days from the publication thereof;*
  - (c) A sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of 21-days from the date of publication of the notice referred to in paragraph (b) of the clause.*
- 6.2.4 *The notice referred to in clause 6.2.3(a) and (b) shall be in the form contained in Schedule III(b) with such modifications as circumstances require.*
- 6.2.5 *After the expiration of 21-days from the serving of notice of the proposed development, the publication of the notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.*

Clause 6.3 'Determination of Applications' of the Scheme states:

- 6.3.1 *In determining an Application for Planning Consent the Council may consult with any authority which, in the circumstances, it thinks appropriate.*
- 6.3.2 *The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned, used or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality, may refuse to approve any Application for Planning Consent or may grant its approval unconditionally or subject to such conditions as it thinks fit.*

The options available to Council in considering the application can be summarised as follows:

- a) Determine the application is not consistent with the special rural zone and refuse the proposal (giving reasons); or
- b) Determine by absolute majority that the proposal may be consistent with the special rural zone and give public notice and seek comment on the proposal.

## **CONSULTATION**

Should Council agree for the proposal to be advertised, the following consultations are recommended:

- The proposal is referred to immediately adjoining/nearby landowners within this Special Rural Zone (SRZ4) for comment.
- The proposal is advertised within the Great Southern Herald and Kojonup News.

It is also requested that if no contentious objections are received from the referral/advertising, that the CEO be granted permission to approve the application without referral back to Council with any appropriate conditions to be applied to the approval.

## **STATUTORY ENVIRONMENT**

*Planning and Development Act 2005* – The Shire of Kojonup Town Planning Scheme No. 3 is an operative planning scheme under the Act.

The land is zoned Special Rural within Town Planning Scheme No. 3 and the objectives (clause 3.2.6) for the rural zones are as follows:

### **3.2.6 Special Rural Zone**

*The use of land in the Special Rural Zone shall be consistent with the following objectives;*

- (a) To provide for closer development on smaller lots in the rural area without detrimentally affecting the rural character, amenity or viability of surrounding properties.*
- (b) To provide for such uses as hobby farms, horse breeding and rural-residential retreats.*
- (c) To ensure that the more intensive use of land makes provision for the retention or improvement of the rural landscape and environment.*
- (d) To reduce or eliminate the detrimental affect of keeping of livestock in the zone by limiting stock numbers to those kept for hobby purposes and not for commercial gain.*



- (e) *To ensure that all applications for new Special Rural Zone areas comply with the Council's policies for the preparation and submission of proposals.*
- (f) *To ensure that the provisions for controlling subdivision and development in specific Special Rural Zones shall be as laid down in Schedule V to the Scheme. Future subdivision will generally accord with the Subdivision Guide Plan for the specified area referred to in the Schedule and such Subdivision Guide Plan shall form part of the Scheme.*

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

The proponent is responsible to pay the application fee and advertising costs associated with the referral as required under the Shire of Kojonup 2012/2013 Budget 'Schedule of Fees and 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**

There are no known strategic implications.

#### **VOTING REQUIREMENTS – ABSOLUTE MAJORITY**

#### **OFFICER RECOMMENDATION**

- 1) That Council determine the proposed Day Care Centre for Lot 36 Blackwood Road, Kojonup may be consistent with the objectives for the special rural zone and advertise the proposal in accordance with clause 6.2 of the Scheme as follows:
  - (a) The proposal is referred to immediately adjoining/nearby landowners within this Special Rural Zone (SRZ4) for comment.
  - (b) The proposal is advertised within the Great Southern Herald and Kojonup News.
- 2) That Council authorise the CEO to approve the application for the day care centre following the advertising period (including placement of any appropriate conditions on the approval) subject to no objections being received as a result of the consultation. Should any objections be received, these shall be referred back to the Council for determination.

#### **COUNCIL DECISION**

/13 Moved Cr , seconded Cr

CARRIED/LOST

/

- 7 MAR 2013

ICR11712

SHIRE OF KOJONUP				
FILE	DB.BDA-8			
CLO	EC or HC	N/A	MCS	ARCS ✓
RGR	SFO	WM	CDPO	PP
PLAN	PLAN	PLAN	PLAN	PLAN

## SCHEDULE III(A)

## APPLICATION FOR PLANNING CONSENT

FORM 1

**SHIRE OF KOJONUP**  
**TOWN PLANNING SCHEME NO. 3**

**APPLICATION FOR PLANNING CONSENT**

Name of Owner of Land ) Surname Rowe  
 on which development ) Christian Names Kerry Lynette  
 proposed ) Address in Full Lot 36 Blackwood Rd  
Kojonup 6395 WA.

Submitted by Kerry Rowe  
 Address for Correspondence PO Box 146 Kojonup 6395

Locality of Development Lot 36 Blackwood Rd Kojonup

Titles Office Description of Land:

Lot No 36 Street Blackwood Road Loc No .....  
 Plan or Diagram ..... Certificate of Title Vol ..... Folio .....

The type of development and the nature of the proposed buildings are as follows:

..... existing residence .....

The approximate cost of proposed development is NILThe estimated time of completion is N/A

The approximate number of persons to be employed when the development is completed is ....

self employed

Three copies of the Site Plan and other necessary plans of the proposals are submitted with this application.

Signed by the Owner of the Land Memo

NOTE: A separate application is required to be submitted to the Council for a building licence (where applicable).

22 JAN 2013

ICR11263

SHIRE OF KOJONUP

LP. PLN. 14

CL	PC or HC	N/A	MC	
ROR	FO	WM	CI	
NPS	SPM	PLAN	✓	

21<sup>st</sup> January 2013

To whom it may Concern,

I am writing to ask for permission to start a Family Day Care business from my home at Lot 36 Blackwood Road Kojonup. I will be under the Wanslea Scheme in Albany for support when needed. If you have any queries please contact me on 0429190189

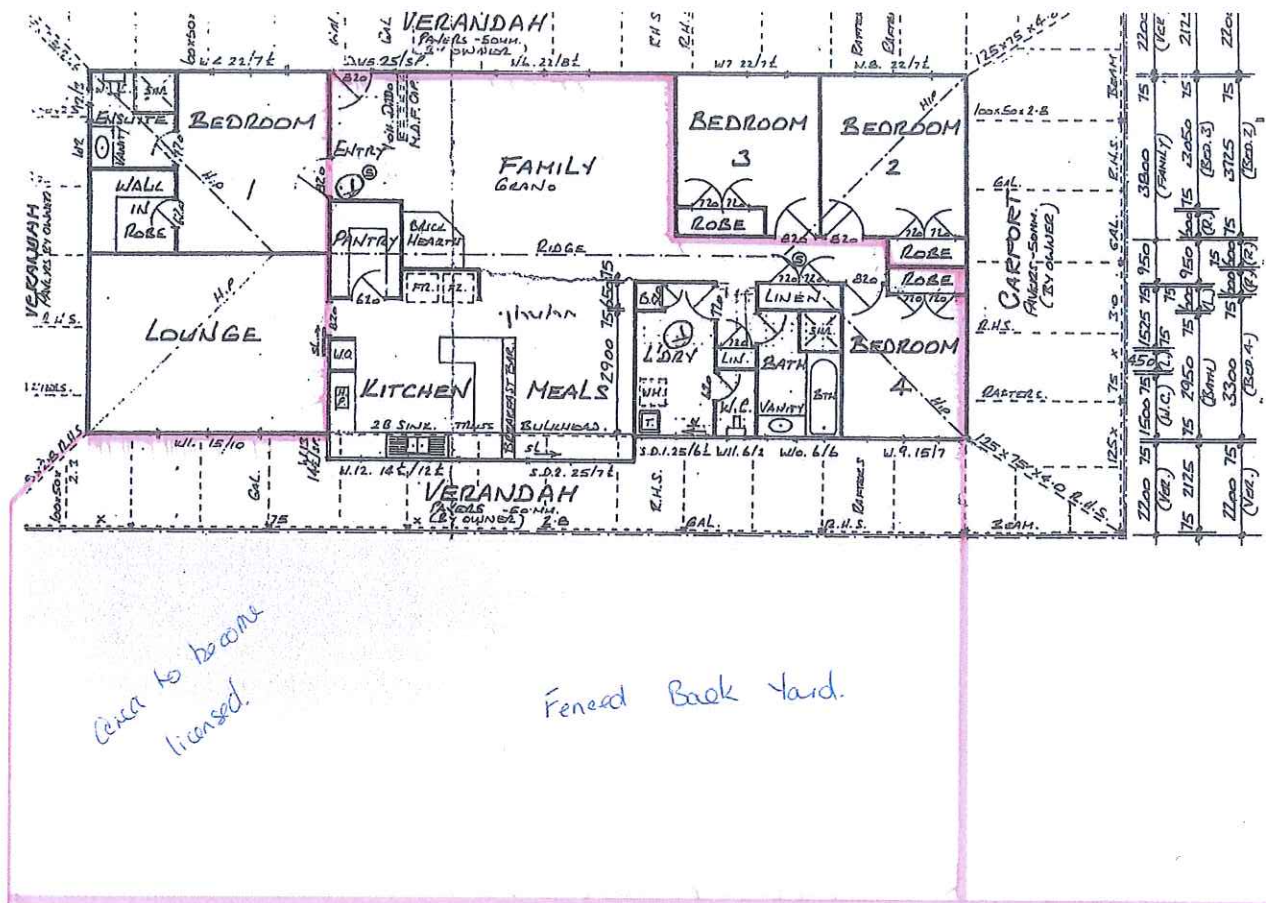
Thank You

Kerry Rowe

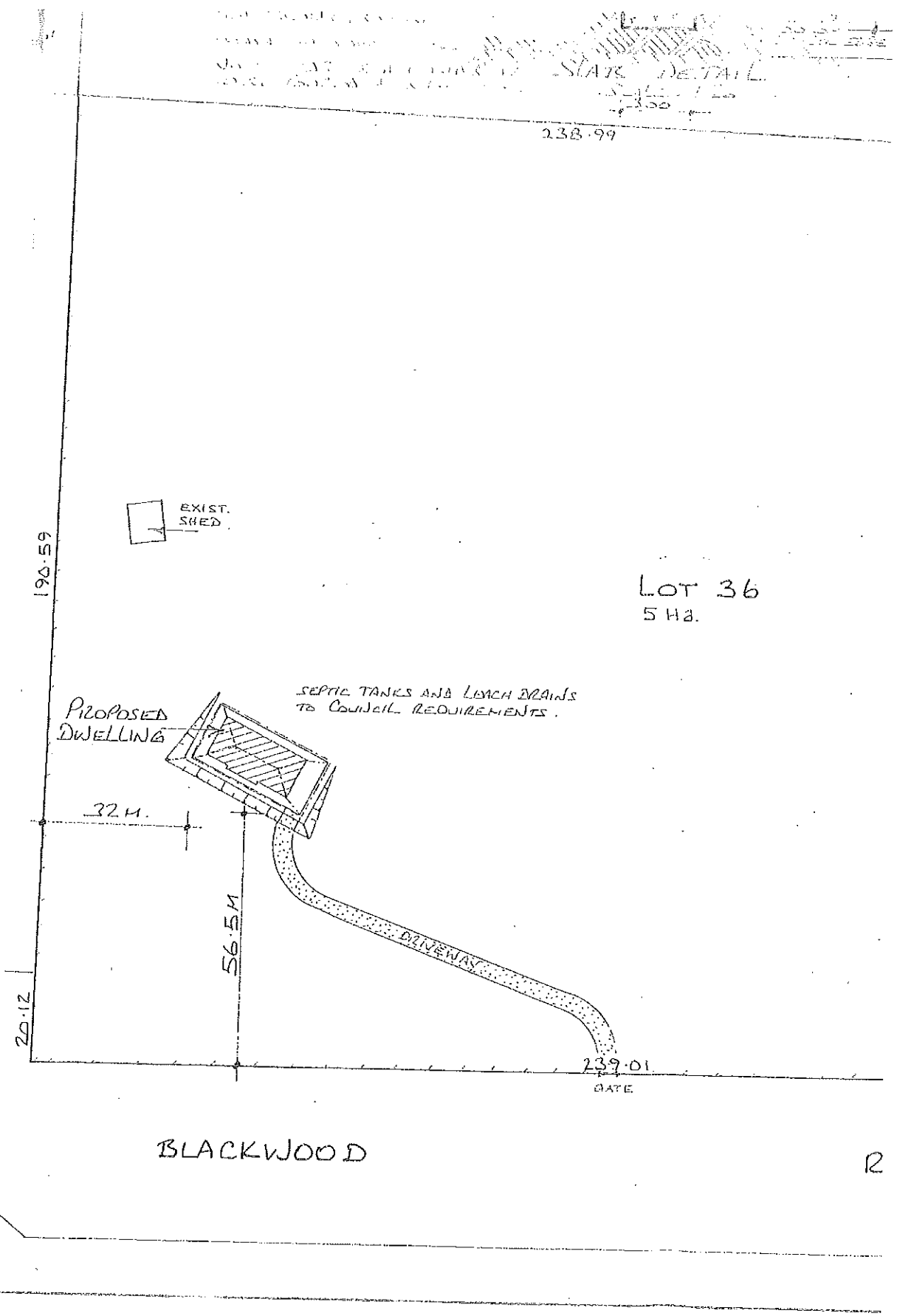
*Kerry Rowe*

- Area outlined in pink to be the licensed area
- Care to be provided for a maximum of 7 children. Only 4 of these to be under 4 years. ( mostly only 4 children at one time)
- Care is under the close supervision and licensing of Wanslea Family Services.
- Regular support visits and checks from the Wanslea Team.
- All licensing requirements are adhered to.
- Training courses have been attended. Eg First aid, anaphylaxis, asthma, food safe
- I plan to operate two days a week and provide a learning environment for all children entrusted into my care.

Leisy Rome



Fenced Back Yard.



12.2 APPLICATION FOR REDUCED REAR SETBACK TO CARPORT ADDITIONS AT 18 BIGNELL ROAD (cnr. WATTS ROAD) KOJONUP.

AUTHOR: Phil Shephard – Town Planner  
 DATE: 14 March 2012  
 FILE NO: DB.BDA.8  
 APPLICANT: HR Herbert  
 OWNER: HR & L Herbert  
 ATTACHMENTS: Site Plan and Elevations

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

An application for planning consent has been received to construct a freestanding 6m x 6m carport addition on the above property adjacent to Bignell Road as shown on the attached plans.

It is recommended that the application be approved subject to conditions.

**BACKGROUND**

The applicant wishes to construct the carport to house a utility and tractor and seeks a reduced setback of 1.0m to the carport posts (the roof will extend further or closer to the boundary – approximately 700mm from the boundary). The additions necessitate a variation to the Residential Design Codes and as such require Council approval.

The applicant has previously applied for a reduced setback of 300mm, however, the Officer Recommendation to approve the reduced setback was moved as a motion, but was not carried (Council Meeting held 15 January 2013, motion number 6/13).

**COMMENT**

The subject lot is zoned Residential Development with a density coding of R10/20 under Town Planning Scheme No. 3. The following setbacks from the Residential Design Codes apply to the R20 density coding:

Minimum Setback (m)	
Primary Street (Watts Road)	6
Secondary Street (Bignell Road)	1.5
Other/Rear	As determined from Table 2a and 2b

The subject lot is approximately 8,100m<sup>2</sup> in area and the existing dwelling and outbuilding have been constructed on the north-end of the lot (away from Katanning Road). The applicant proposes to screen the carport from Bignell Road with shrubs.

The applicant has discussed the proposed carport and its position adjacent to Bignell Road with the northern neighbour for comment and they have provided written advice that they have no objection to the application. The affected neighbour (to the west) passed away in August 2012 and no consultation has been possible.

Given that the proposal:

- Is consistent with the objectives and performance criteria of the Residential Design Codes; and
- Has received support from affected neighbour,

It is recommended that the proposal be approved.

**CONSULTATION**

The applicant has consulted with affected neighbour to the north.

A site inspection was undertaken by the Council on 15 January 2013.

**STATUTORY ENVIRONMENT**

Complies with Town Planning Scheme No 3 and the Residential Design Codes. A separate Building Licence will be required to construct the carport.

**POLICY IMPLICATIONS**

There are no known policy implications.

**FINANCIAL IMPLICATIONS**

The applicant is required to pay the \$139 planning application fee.

**STRATEGIC IMPLICATIONS**

There are no known strategic implications.

**VOTING REQUIREMENTS – SIMPLE MAJORITY**

**OFFICER RECOMMENDATION**

**That the Council approve the reduced side setback of 1.0m to the posts and 700mm to the roof sheets for the carport addition for No 18 (Lot 2) Bignell Road, Kojonup and the applicants be advised that this is planning consent approval only and that a building licence must be obtained prior to construction of the carport.**

**COUNCIL DECISION**

/13 Moved Cr , seconded Cr

CARRIED/LOST

/

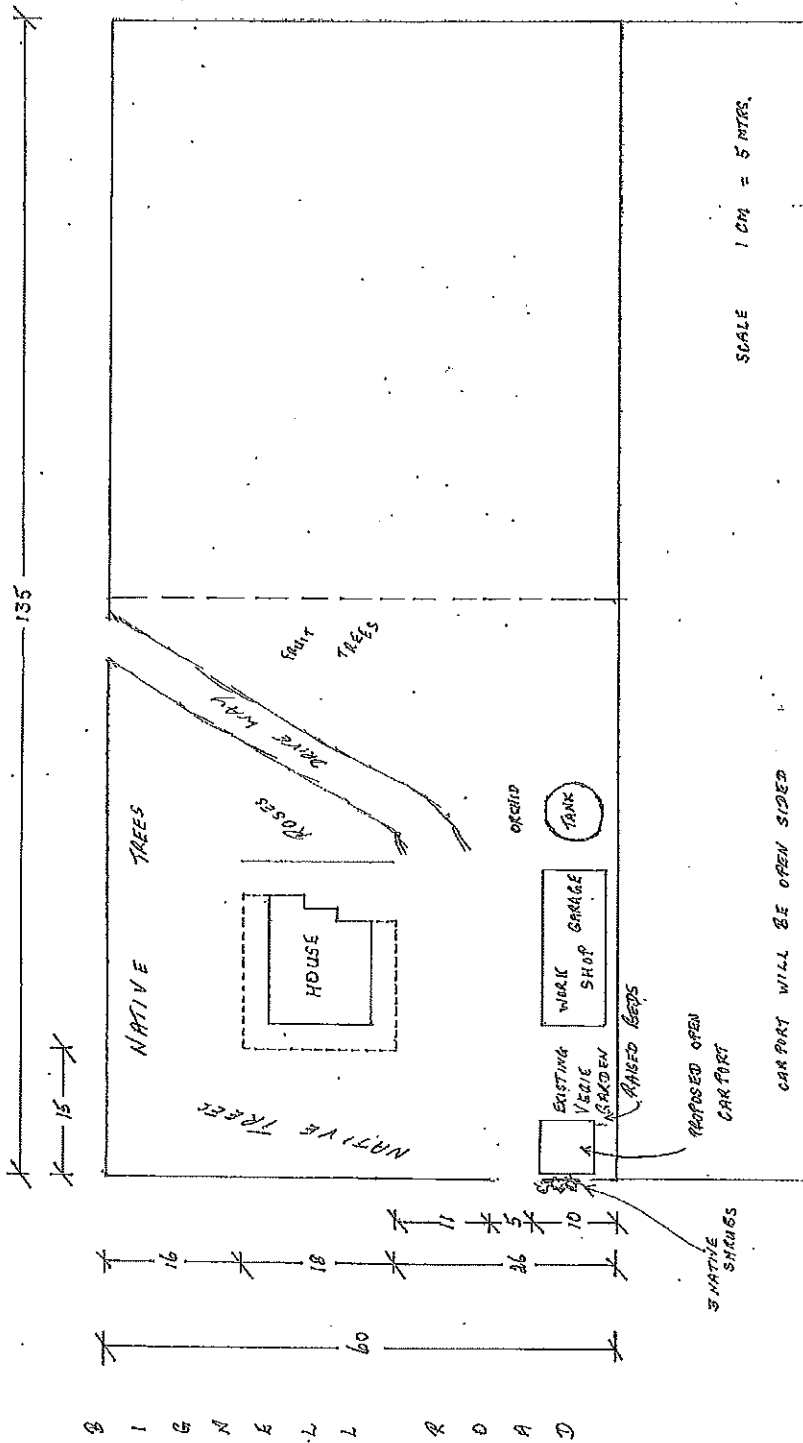


COPY

K A T A N N I N G R O A D

NORTH

WATTS ROAD



CARPORT WILL BE OPEN SIDED

FALL OF ROOF WILL BE EAST TO WEST, WITH 300mm FALL

BIGNELL ROAD SIDE WILL HAVE NATIVE CLIMBERS ALONG FENCE LINE

CARPORT POSTS WILL BE SET BACK 1000mm FROM ROADSIDE FENCE LINE

THIS IS HARD CLAY & STONE SOIL UNSUITABLE FOR VEGETABLES & HARDENING

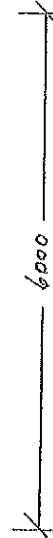
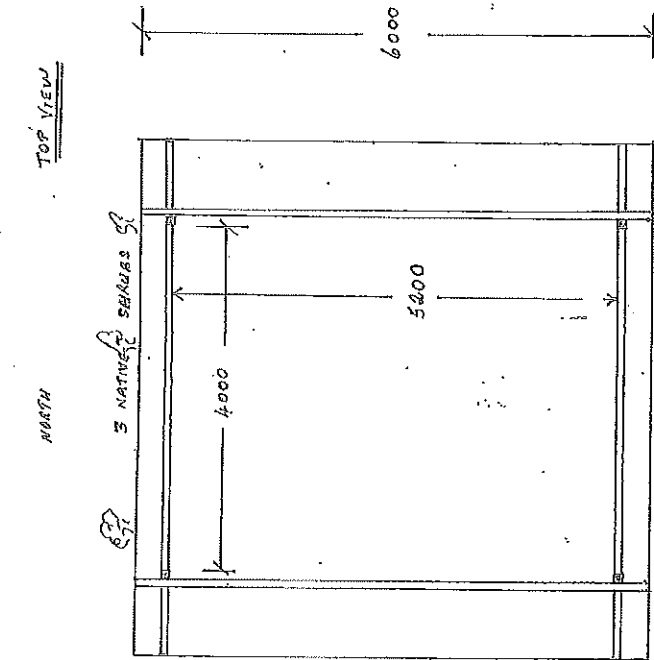
IN NEED TARTAR & UTILITY TO BE NEAR HOUSE FOR SECURITY REASONS

*[Signature]*

PTL HERBERT

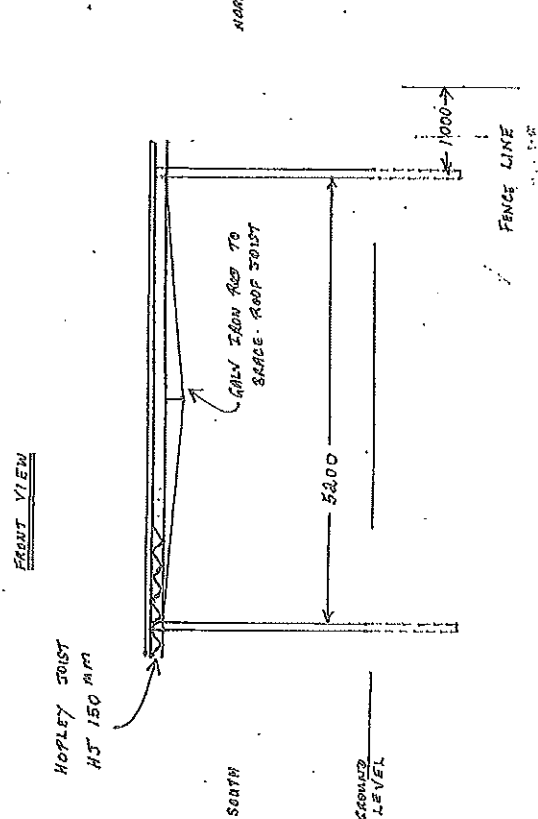
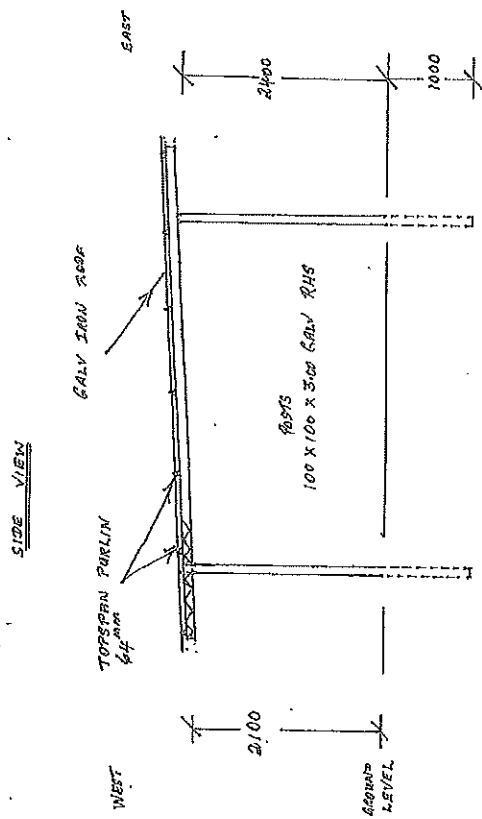
18 BIGNELL ROAD

KOJONUP 5-12-12



ANGLE BRACKETS (GALVANISED) WILL SUPPORT ALL  
HOPLEY JOISTS ON EACH POST.

PROPOSED OPEN CARPORT  
REL HERBERT  
18 BIRDELL ROAD  
KOJONUP. 5-12-12



**13     EXECUTIVE & GOVERNANCE REPORTS****13.1     2012 STATUTORY COMPLIANCE AUDIT RETURN**

AUTHOR:                     Kim Dolzadelli – Manager of Corporate Services  
DATE:                        Thursday, 14 March 2013  
FILE NO:                    CM.REP.1  
ATTACHMENT:             13.1.1 Statutory Compliance Audit Return 2012  
                                  13.1.2 Audit Committee Report on Statutory Compliance Audit Return  
                                  2012

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The adoption of the 2012 Statutory Compliance Report.

**BACKGROUND**

The Department of Local Government has prepared and circulated to each local government an annual return covering various statutory compliance matters under the Local Government Act and associated Regulations. A copy is attached to the agenda.

**COMMENT**

The completion of the return is mandatory for each local government. The return has been completed following a review of processes and documentation for each activity / area in which compliance is being assessed against the Local Government Act 1995 (as amended) and associated regulations.

Amendments to regulation 13 of the Local Government (Audit) Regulations 1996 have been gazetted, resulting in the following changes.

These changes address issues raised in a number of reports that proposed a review of the Department's Compliance Audit Program, including the Public Accounts Committee Report No. 4 into Local Government Accountability (2006), the Department of Treasury and Finance's Red Tape Reduction Group Report (2010) and the Local Government Reform Steering Committee (2010). These reports raised issues regarding the compliance reporting burden placed on local governments resulting from the requirement to complete a comprehensive CAR and submit it to the Department by 31 March each year.

A further change to regulation 14 requires that the local government's Audit Committee now reviews the CAR and reports the results of that review to the Council prior to adoption by Council and the March submission to the Department.

The Audit Committee reviewed the CAR at its meeting held 19<sup>th</sup> February 2013 where the following decision was made:

**"COMMITTEE DECISION**

*A28/13 MOVED Cr Benn seconded Cr Mathwin*

- 1.        That the circularised Statutory Compliance Audit Return for 2012 attached be adopted, and*
- 2.        That the Audit Committee provide a report to Council in accordance with Regulation 14(3A) of the Local Government Audit Regulations 1996.*

CARRIED             8/0"

**CONSULTATION**

Nil required

**STATUTORY REQUIREMENTS/ENVIRONMENT**

The Local Government Audit Regulations 1996, Regulation 14 states:

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

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

There are no financial implications

**STRATEGIC IMPLICATIONS**

There are no strategic implications

**VOTING REQUIREMENTS - SIMPLE MAJORITY****OFFICER RECOMMENDATION**

1. That the Audit Committee’s review of the Compliance Audit Return for 2012 as attached be received, and
2. That the circularised Statutory Compliance Audit Return for 2012 attached be adopted.

**COUNCIL DECISION**

/13 Moved Cr , seconded Cr

CARRIED/LOST

/

Department of Local Government - Compliance Audit Return



Government of Western Australia  
Department of Local Government

## Kojonup - Compliance Audit Return 2012

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2012.	N/A		Anthony Middleton
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2012.	N/A		Anthony Middleton
3	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2012.	N/A		Anthony Middleton
4	s3.59(4)	Has the local government given Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction for 2012.	N/A		Anthony Middleton
5	s3.59(5)	Did the Council, during 2012, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	N/A		Anthony Middleton

Department of Local Government - Compliance Audit Return



Government of Western Australia  
Department of Local Government

Delegation of Power / Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	N/A	No delegations to committees.	Dominique Hodge
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	N/A		Dominique Hodge
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	N/A		Dominique Hodge
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	N/A		Dominique Hodge
5	s5.18	Has Council reviewed delegations to its committees in the 2011/2012 financial year.	N/A		Dominique Hodge
6	s5.42(1), 5.43 Admin Reg 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act.	Yes		Dominique Hodge
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes		Dominique Hodge
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes		Dominique Hodge
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes		Dominique Hodge
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	N/A		Dominique Hodge
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes		Dominique Hodge
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2011/2012 financial year.	Yes		Dominique Hodge
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required.	Yes		Dominique Hodge
Disclosure of Interest					
No	Reference	Question	Response	Comments	Respondent
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68).	Yes		Dominique Hodge
2	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings.	N/A		Dominique Hodge

Department of Local Government - Compliance Audit Return



Government of Western Australia  
Department of Local Government

No	Reference	Question	Response	Comments	Respondent
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made.	Yes		Dominique Hodge
4	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	N/A	No new elected members.	Dominique Hodge
5	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day.	No	3 months and 2 days	Dominique Hodge
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2012.	Yes		Dominique Hodge
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2012.	Yes		Dominique Hodge
8	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return.	Yes		Dominique Hodge
9	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76	Yes		Dominique Hodge
10	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.	Yes		Dominique Hodge
11	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76.	Yes		Dominique Hodge
12	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee.	Yes		Dominique Hodge
13	s5.103 Admin Reg 34C & Rules of Conduct Reg 11	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	Yes		Dominique Hodge
14	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report.	Yes		Dominique Hodge

Department of Local Government - Compliance Audit Return



Government of Western Australia  
Department of Local Government

No	Reference	Question	Response	Comments	Respondent
15	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee.	Yes		Dominique Hodge
16	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes		Dominique Hodge

**Disposal of Property**

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

**Elections**

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

**Finance**

No	Reference	Question	Response	Comments	Respondent
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act.	Yes		Kim Dolzadelli
2	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.	N/A		Kim Dolzadelli
3	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes		Kim Dolzadelli
4	s7.3	Was the person(s) appointed by the local government to be its auditor, an approved auditor.	Yes		Kim Dolzadelli
5	s7.3, 7.6(3)	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	N/A		Kim Dolzadelli



Department of Local Government - Compliance Audit Return



Government of Western Australia  
Department of Local Government

No	Reference	Question	Response	Comments	Respondent
6	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2012 received by the local government within 30 days of completion of the audit.	Yes		Kim Dolzadelli
7	s7.9(1)	Was the Auditor's report for 2011/2012 received by the local government by 31 December 2012.	No	received 5th January 2013	Kim Dolzadelli
8	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken by the local government, was that action undertaken.	N/A		Kim Dolzadelli
9	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.	N/A		Kim Dolzadelli
10	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	N/A		Kim Dolzadelli
11	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes		Kim Dolzadelli
12	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes		Kim Dolzadelli
13	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes		Kim Dolzadelli
14	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor.	Yes		Kim Dolzadelli
15	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor.	Yes		Kim Dolzadelli

Department of Local Government - Compliance Audit Return



Government of Western Australia  
Department of Local Government

Local Government Employees					
No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised.	Yes		Kim Dolzadelli
2	s5.36(4) s5.37(3), Admin Reg 18A	Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s.5.36(4), 5.37(3) and Admin Reg 18A.	Yes		Kim Dolzadelli
3	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	N/A		Kim Dolzadelli
4	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).	Yes		Kim Dolzadelli
5	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only).	Yes		Kim Dolzadelli

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

Department of Local Government - Compliance Audit Return



Government of Western Australia  
Department of Local Government

Tenders for Providing Goods and Services					
No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2)).	No	Sport Complex Upgrade/Renewal Project and Storm Damage Natural Disaster Cleanup Event AGRN 496	Kim Dolzadelli
2	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than inviting tenders for a single contract.	Yes		Kim Dolzadelli
3	F&G Reg 14(1)	Did the local government invite tenders via Statewide public notice.	Yes		Kim Dolzadelli
4	F&G Reg 14, 15 & 16	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16.	Yes		Kim Dolzadelli
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation.	N/A		Kim Dolzadelli
6	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.	N/A		Kim Dolzadelli
7	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.	N/A		Kim Dolzadelli
8	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17.	Yes		Kim Dolzadelli
9	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes		Kim Dolzadelli
10	F&G Reg 21 & 22	Did the local governments's advertising and expression of interest documentation comply with the requirements of F&G Regs 21 and 22.	N/A		Kim Dolzadelli
11	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.	N/A		Kim Dolzadelli

Department of Local Government - Compliance Audit Return



Government of Western Australia  
Department of Local Government

No	Reference	Question	Response	Comments	Respondent
12	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services.	N/A		Kim Dolzadelli
13	F&G Reg 24	Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24.	N/A		Kim Dolzadelli
14	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government comply with the requirements of F&G Reg 24E in relation to the preparation of a regional price preference policy (only if a policy had not been previously adopted by Council).	N/A		Kim Dolzadelli
15	F&G Reg 11A	Does the local government have a current purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$100,000 or less.	Yes		Kim Dolzadelli

Thursday, 14 March 2013

Councillors  
Shire of Kojonup  
93 Albany Hwy,  
Kojonup WA 6395

Dear Councillors,

**STATUTORY COMPLIANCE AUDIT RETURN 2012**

In accordance with Regulation 14 of the Local Government Audit Regulations 1996 the Audit Committee reviewed the Statutory Compliance Audit Return (CAR) for 2012 at its meeting held 19<sup>th</sup> February 2013 where the following decision was made:

*"COMMITTEE DECISION*

*A28/13 MOVED Cr Benn seconded Cr Mathwin*

- 1. That the circularised Statutory Compliance Audit Return for 2012 attached be adopted, and*
- 2. That the Audit Committee provide a report to Council in accordance with Regulation 14(3A) of the Local Government Audit Regulations 1996.*

*CARRIED 8/0"*

As Presiding Member of the Audit Committee I submit to Council that the Audit Committee has nothing to report with respect to the *Statutory Compliance Audit Return for 2012*.

Yours sincerely,



Cr Greg Marsh  
Presiding Member - Shire of Kojonup Audit Committee

**13.2 INTEGRATED PLANNING – COMMUNITY STRATEGIC PLAN**

**AUTHOR:** Sophie Knight – Policy, Planning and Governance Officer  
**DATE:** Wednesday 13<sup>th</sup> March 2013  
**FILE NO:** CM.PLN.2  
**ATTACHMENT:** 13.2 Community Strategic Plan

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Council to consider the Community Strategic Plan with a view to adopt.

**BACKGROUND**

As part of the Integrated Planning process, Council is required to develop a Strategic Community Plan.

The Strategic Community Plan states the community's long term (10+ years) vision, values, aspirations and priorities with consideration to Councils other documented plans and resourcing capabilities.

Its purpose is to drive the development of place-based plans, issue-based strategies, corporate business plan and other Local Government informing strategies (such as Workforce Plan, Asset Management Plan).

**COMMENT**

With the public comment phase of the project completed, the consultants have submitted the final Community Strategic Plan for Council's adoption.

**CONSULTATION**

Jamie Robertson - 361<sup>0</sup> Stakeholder Management Services

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The Draft Community Strategic Plan establishes the community's vision for the future, including aspirations and service expectation and has regard to current and future resource capacity, demographic trends and strategic performance measurement which Council aims to achieve through the Annual Budget each year.

**STRATEGIC IMPLICATIONS**

The Strategic Community Plan will provide direction for Council in the long term (10+ years). It will work in conjunction with other Council plans, including the Workforce Plan, Asset Management Plan, and Long Term Financial Plan and will ultimately assist with the annual budget process.

**VOTING REQUIREMENTS – ABSOLUTE MAJORITY****OFFICER RECOMMENDATION**

**That Council adopts the Community Strategic Plan 2013 - 2023 as presented.**

COUNCIL DECISION

/13      Moved Cr                      , seconded Cr

CARRIED/LOST                      /

**13.3 WORKS & ENGINEERING POLICY REVIEW**

AUTHOR: Sophie Knight – Policy, Planning and Governance Officer  
DATE: Wednesday, 13<sup>th</sup> March 2013  
FILE NO: CM.POL.2  
ATTACHMENT: 13.1 Works & Engineering Policies

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to review and adopt the Shire of Kojonup's Works and Engineering Policy's.

**BACKGROUND**

The Council reviews policies when appropriate. The Works and Engineering Policies have been presented to Council for adoption following a recent review.

**STATUTORY ENVIRONMENT**

Policies have no legal status but are guidelines for staff to act on various matters without the need for continual referral to the Council. Council may adopt, amend, waive policies under s2.7(2)(b) of the Local Government Act 1995.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS - SIMPLE MAJORITY****OFFICER RECOMMENDATION**

**That the policies as attached to the agenda be adopted.**

**COUNCIL DECISION**

/13 Moved Cr , seconded Cr

CARRIED/LOST

/



## 1 WORKS & ENGINEERING

### 4.1 VEHICULAR CROSSOVER (DRIVEWAYS)

<b>Adopted or Reviewed by Council:</b>	Draft	<b>Council Minute Reference:</b>
<b>Reviewer:</b>	Manager Of Works	
<b>Local Law:</b>	Nil	
<b>Procedure:</b>	WORKS P1 - Vehicular Crossovers (Driveways)	
<b>Delegation:</b>	ROADS 008 - Construction of Crossing from Thoroughfare to Private Land	

#### OBJECTIVE

#### POLICY

The Council will bear one half the cost of a standard Crossover as defined in the Procedure, subject to the crossover being the first constructed to that lot to a maximum value as show in annex 1 of the procedure.

Council has delegated its authority to the Chief Executive Officer to determine all matters to this policy as per Delegation ROADS 008 - Construction of Crossing from Thoroughfare to Private Land.

That driveways and access crossovers over Main Roads WA road reserves that are classified as 'low complexity' works within the road reserve, require the approval of Main Roads WA before commencing works.

## 4.2 STREET TREES

**Adopted or Reviewed by Council:** Draft

**Council Minute Reference:**

**Reviewer:** Manager Of Works

**Local Law:** Nil

**Procedure:** WORKS P4 - Street Trees

**Delegation:** Nil

### OBJECTIVE

To obtain and maintain uniformity of tree planting to enhance the visual aspect of streetscape and beautification of parks, gardens and reserves and to preserve public infrastructure such as electricity, sewer and drainage.

### POLICY

The Shire undertakes maintenance of verge trees, including planting, pruning and removal. Private planting, removal or pruning on all Road Reserves shall first require the approval of the Manager of Works and shall be in accordance with this policy.

The Shire will supply and plant (approved) street trees at no charge to the resident, upon request and approval under this policy. The length of your verge will determine how many trees will be planted. Residents should be aware that any trees planted on the verge remain the property of the Shire.

The Shire has the right to remove trees that create a hazardous situation.

A systematic program to remove all Queensland Box Trees shall be undertaken throughout the townsites as budget resources permit.

Only approved species should be planted. Street trees are planted in the winter months irrespective of reticulated verges or residents willing to water. A detailed policy on Street Tree varieties, themed locations, edible verges, fruit trees and community gardens is to be developed for the Council's consideration prior to 31 December 2013.

**4.3 NAMING &/OR CHANGING OF ROAD, STREET OR PLACE NAMES****Adopted or Reviewed by Council:** Draft**Council Minute Reference:****Reviewer:** Manager Of Works**Local Law:** Nil**Procedure:** WORKS P5 - Naming &/or Changing of Road, Street or Place Names**Delegation:** Nil**OBJECTIVE**

To ensure that aspects of the District's history are not inadvertently lost due to the changing of a name; and to provide community and public consultation.

**POLICY**

Requests to name and/or change either a road, street or place name in the District may not be approved until after Council has advertised the proposal in the local press and receive written comments from the Kojonup Historical Society.

Council does not favour changing a road name which would result in portions of the road having different names.

#### 4.4 TIMBER HARVEST AND HAULAGE USE OF ROADS WITHIN SHIRE OF KOJONUP

**Adopted or Reviewed by Council:** Draft

**Council Minute Reference:**

**Reviewer:** Chief Executive Officer

**Local Law:** Nil

**Procedure:** Nil

**Delegation:** Nil

##### OBJECTIVE

To maintain the condition of our roads and ensure the safety of the Shire of Kojonup's residents.

##### POLICY

The Council will provide letters of support for Main Roads WA permits for log/woodchip haulage on roads within the Shire of Kojonup provided that the Manager of Works & Engineering is satisfied with the proposed haulage route and provided that the following conditions are adhered to by the tree farm companies;

- All heavy haulage permits being obtained from Main Roads WA;
- Neighbouring properties to access routes being notified of the commencement date and anticipated duration at least two weeks prior to the commencement of harvest;
- Speeds being limited to 60km p/h on unsealed roads and 80km p/h on sealed roads without pavement markings for 10km p/h lower than the posted speed limit of the roads under 80km p/h;
- Cartage being limited to daylight hours and with all care taken to absolutely avoid use of the road by trucks during school bus running hours;
- School bus operators being notified of the commencement date and anticipated duration at least two weeks prior to the commencement of harvest;
- 'School Bus Hours' signs are to be erected at the start of all roads concerned with the school bus routes; along with Trucks on Road signs along the lengths of road concerning the truck use;
- Drivers comply with restrictions on traffic movement on school bus routes between the signed hours and contact bus operators on UHF Channel 25 to confirm safe passage during the sign posted times;
- An audit being conducted on the condition of the proposed route(s) by the haulage company and Manager of Works & Engineering prior to commencement and roads being reinstated to pre haulage condition by the tree farm companies at the completion of harvest;
- The Council being advised of any gravel/pavement failures on roads within 24 hours so that repairs can be carried out;
- Inspection of the road condition is required after any rain event prior to the re-commencement of haulage operations and Council reserves the right to suspend haulage operations based on road condition or road closure as specified in section 3.5.0 of the Local Government Act 1995;
- All cartage and harvesting operators to comply with the harvest and movement of vehicle bans as ordered by the Shire of Kojonup. Operators must check the fire ban hotline on (08) 9831 0145 as required for harvest and vehicle movement ban information;

The Council reserves the right to revoke support if any of the above conditions are not adhered to, or road condition/user safety is in question.



13.4 VISITOR SERVICING – MEMORANDUM OF UNDERSTANDING WITH KOJONUP TOURISM ASSOCIATION

AUTHOR: Anthony Middleton – Acting Chief Executive Officer  
DATE: 14 March 2013  
FILE NO: ED.IND.1  
ATTACHMENT: Nil.

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this item is to consider a minor addition to the Memorandum of Understanding (MOU) proposed with the Kojonup Tourism Association (KTA) for the provision of effective visitor services and support of tourism in Kojonup.

**BACKGROUND**

At its meeting held on 18 December 2012, the Council resolved as follows:

**That:**

1. The attached Memorandum of Understanding between the Shire of Kojonup and the Kojonup Tourism Association for the provision of effective visitor services and support of tourism in Kojonup be endorsed;
2. The attached Memorandum of Understanding be forwarded to the Kojonup Tourism Association for their consideration; and
3. Providing that the Kojonup Tourism Association has no changes to the attached Memorandum of Understanding, the Shire President and Acting Chief Executive Officer be authorised to execute the agreement.

**COMMENT**

Following the above decision, the Acting CEO has met to discuss the proposed MOU with the KTA for their consideration. The KTA have requested only one amendment to the proposed MOU, the purpose of which is to give recognition to the Kojonup Aboriginal Corporation and their role in The Kodja Place.

The amendment as requested is to add the following clause under section 2 (AGREEMENT) under the heading “The organisations agree to:” as follows:

- Acknowledge the partnership between the Kojonup Tourist Association and Kojonup Aboriginal Corporation and encourage and support this partnership into the future.

Whilst it is accepted that this proposed addition is not a relevant clause in an MOU established for the purposes of “the provision of effective visitor services and support of tourism in Kojonup”, it is equally difficult to see any harm in agreeing with this request. The Kojonup Aboriginal Corporation is an integral partner in the operations and development of The Kodja Place and the inclusion of this clause will not adversely affect the operations of the MOU. As such, it is recommended to amend the proposed MOU accordingly.

**CONSULTATION**

Consultation that has occurred with the KTA is detailed above.

**STATUTORY REQUIREMENTS**

There are no statutory obligations relevant for this item.

**POLICY IMPLICATIONS**

There are no policy implications.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**VOTING REQUIREMENTS – Simple Majority****OFFICER RECOMMENDATION**

**That:**

- 1. The proposed Memorandum of Understanding between the Shire of Kojonup and the Kojonup Tourism Association for the provision of effective visitor services and support of tourism in Kojonup, as endorsed by the Council on 18 December 2012, be amended by adding the following clause under section 2 (AGREEMENT) under the heading “The organisations agree to:”:**
  - Acknowledge the partnership between the Kojonup Tourist Association and Kojonup Aboriginal Corporation and encourage and support this partnership into the future.**
- 2. The Shire President and Acting Chief Executive Officer be authorised to execute the agreement.**

**COUNCIL DECISION**

/13      Moved Cr                      , seconded Cr

CARRIED/LOST      /

### 13.5 KODJA PLACE ADVISORY COMMITTEE – ESTABLISHMENT AND MEMBERSHIP

AUTHOR: Anthony Middleton – Acting Chief Executive Officer  
DATE: 14 March 2013  
FILE NO: GO.CNM.9  
ATTACHMENT: Nil

#### **DECLARATION OF INTEREST**

Nil

#### **SUMMARY**

To consider the formation and membership of an advisory committee for The Kodja Place.

#### **BACKGROUND**

At its meeting held on 16 September 2012, the Council resolved as follows:

**“that the Acting Chief Executive Officer approach Kojonup Tourist Association, Kojonup Aboriginal Corporation, Kodja Place Community Fund Inc, a community representative involved with the rose maze and a community representative involved with the story place to gauge interest in participating in a Advisory Committee for Kodja Place.”**

There have been several governance models and management structures tried at the Kodja Place over the last ten years.

At the June 2012 Council meeting, the Council considered matters arising out of a public meeting to discuss the proposed Medical Centre, where a motion requested the Council support the original purpose of the Kodja Place. Given the evolution of the precinct over time the Council requested the then Chief Executive Officer to research this and report back to Council.

A verbal approach to the mover of the motion at the public meeting confirmed that the purpose may have evolved to reflect grant conditions and stakeholder requirements over the life of the committee, and that it was not a matter of simply referring to the minutes of the first couple of committee meetings.

Given the staffing restructure within the Shire operations it is an opportune time to consider changes to improve stakeholder communication, consider the current purpose and future planning of the precinct, and to assist with prioritisation of capital works within the Shire of Kojonup budget allocation.

#### **COMMENT**

It is recommended that a formal committee of the Council be established as the best mechanism to provide advice to the Council on the requirements at The Kodja Place. It is hoped that this will assist with awareness of the requirements of individual stakeholders within the precinct and allow coordinated planning for the future and prioritisation of the Shire expenditure.

It is suggested that the role of the committee be set to advise the Council on the following requirements at the Kodja Place:

- prioritisation of capital works within the Shire of Kojonup budget allocation;
- consider the current purpose and future planning of the precinct; and
- the requirements of individual stakeholders within the precinct.

Other benefits of establishing this committee, in addition to the role above, includes:

- Improve stakeholder communication;
- Identify opportunities and improvements to current operations; and

- Seeing The Kodja Place as one attraction

The formal structure of the Committee and agenda process should allow members time to adequately canvas and convey the views of the groups that they represent, and also a mechanism to communicate outcomes through public minutes.

It is recommended that the Council consider membership as follows:

- A representative of the Kojonup Tourist Association
- A representative of the Kojonup Aboriginal Corporation
- A representative of the Kodja Place Community Fund Inc
- A community representative involved with the rose maze
- A community representative involved with the story place
- 2 Councillor representatives

The above mix covers the key stakeholder groups at a community representative level, rather than managers or commercial operators, but still will be able to represent their issues.

### CONSULTATION

The Kojonup Tourist Association, Kojonup Aboriginal Corporation, and Kodja Place Community Fund have all been approached to nominate a representative for Council to endorse. Nominees for each group are listed within the Officer's Recommendation.

### STATUTORY REQUIREMENTS

The election / appointment of members to Committees and their operation is set out in Sections 5.8 to 5.25 of the Local Government Act 1995 inclusive plus the Local Government (Administration) Regulations 1995.

The Council may in accordance with section 5.8 of the Local Government Act 1995, by **absolute majority**, establish Committees comprising of 3 or more persons, be it members, employees and/ or other persons to exercise the powers and discharge the duties of the local government that can be delegated to committees.

A committee is to have as its members, persons appointed by **absolute majority** by the Council. Ref. Section 5.10 of the Act.

### POLICY IMPLICATIONS

There are no known policy implications.

### FINANCIAL IMPLICATIONS

The establishment of a formal committee of the Council carries significant financial implications, depending on the frequency of meetings and the administrative demands of the Committee. Staffing resources to administer the Committee, attend meetings and implement the decisions can grow to a substantial operating expense.

Based on other existing formal committees of the Council, this could be as high as \$20,000 to \$30,000 per annum. Having said this, it is envisaged that after a settling in period and an initial workload being completed, say after 12 months, that the Committee may only need to meet alternate months or quarterly.

This expense will need to be budgeted for as a separate 2013/2014 item.

### STRATEGIC IMPLICATIONS

The proposed committee will have a significant role in the strategic direction of The Kodja Place precinct.

### VOTING REQUIREMENTS - ABSOLUTE MAJORITY



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

1. Pursuant to Section 5.8 of the Local Government Act 1995, the Council form 'The Kodja Place Advisory Committee';
2. The terms of reference of The Kodja Place Advisory Committee be set as follows:  
To advise the Council on the following requirements at The Kodja Place:
  - Prioritisation of capital works within the Shire of Kojonup budget allocation;
  - Consider the current purpose and future planning of the precinct;
  - The requirements of individual stakeholders within the precinct;
  - Improve stakeholder communication
  - Identification of opportunities and improvements to current operations
  - Methods to integrate all aspects of the precinct into one seamless customer experience and a singular attraction.
3. The Kodja Place Advisory Committee consist of the following membership:
  - One (1) representative of the Kojonup Tourist Association
  - One (1) representative of the Kojonup Aboriginal Corporation
  - One (1) representative of the Kodja Place Community Fund Inc
  - One (1) community representative involved with the rose maze
  - One (1) community representative involved with the story place
  - Two (2) Councillor representatives
4. The following members be appointed to the Kodja Place Advisory Committee:
  - Kojonup Tourist Association – Delegate John Benn, proxy Glenys Russell
  - Kojonup Aboriginal Corporation – Delegate Craig McVee
  - Kodja Place Community Fund Inc – Delegate Roger Bilney
  - Rose Maze – Delegate Cathy Wright, Proxy Katie O'Halloran
  - Story place – Delegate Margaret Robertson, Proxy Barbara Hobbs
  - Shire – Cr \_\_\_\_\_ and Cr \_\_\_\_\_.

**COUNCIL DECISION**

/13 Moved Cr \_\_\_\_\_, seconded Cr \_\_\_\_\_

CARRIED/LOST /



**20     ATTACHMENTS (SEPARATE)**

- Item 10.1            Monthly Statement of Financial Activity 1<sup>st</sup> July 2012 to 28<sup>th</sup> February 2013
- Item 10.1            Appendix A – Springhaven Aged Care Facility Monthly Statement of Financial Activity 1<sup>st</sup> July 2012 to 28<sup>th</sup> February 2013
- Item 10.2            Monthly Payment Listing
- Item 13.2            Community Strategic Plan
- Item 14.1            Unconfirmed Audit Committee Minutes – Tuesday 19<sup>th</sup> February 2013