

SHIRE OF KOJONUP

Kojonup



MINUTES

Ordinary Council Meeting

17 May 2016

SHIRE OF KOJONUP**MINUTES FOR THE COUNCIL MEETING HELD ON 17 MAY 2016****TABLE OF CONTENTS**

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MINUTES

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

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

Disclaimer

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

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

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

2 **ATTENDANCE & APOLOGIES**

Cr Ronnie Fleay	Shire President
Cr Robert Sexton	Deputy Shire President
Cr Frank Pritchard	
Cr Ian Pedler	
Cr Jill Mathwin	
Cr Graeme Hobbs	
Cr Judith Warland	
Mr Rick Mitchell-Collins	Chief Executive Officer
Mr Anthony Middleton	Manager Corporate Services
Mr Phil Shephard	Town Planner
Miss Miranda Wallace	Executive Assistant
Mr Robert Cowie	Regulatory Administration Officer
Members of the Gallery	1

APOLOGIES

Cr Ned Radford	
Mrs Michelle Dennis	Development Services Coordinator

3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME**4.1 MRS. EMILY WEBB - KOJONUP MEDICAL CENTRE**

Mrs. Emily Webb:

Enquired with Council if the Medical Centre would be discussed as an Agenda Item at today's Council Meeting.

The Shire President advised that unfortunately the reports prepared by Green Eleven & NAJA Business Consultants post their workshops held 10 & 11 March 2016 contained some inconsistencies which Council has asked to be reviewed. Once this review is undertaken an Agenda Item regarding the Medical Centre can be included in the 21 June 2016 meeting. CEO advised he would ensure Mrs. Webb remained informed of progress.

3:03pm – Mrs. Emily Webb departed from the Chamber.

5 PETITIONS, DEPUTATIONS & PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

ORDINARY MEETING 19 APRIL 2016

COUNCIL DECISION

55/16 Moved Cr Mathwin, seconded Cr Pritchard that the Minutes of the Ordinary Meeting of Council held on 19 April 2016 be confirmed as a true record.

CARRIED 7/0

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

The Shire President commented that the Volunteer Community Awards event held on Sunday, 15 May 2016 was successful and it was great to see some very deserving recipients amongst our volunteers.

9 **DECLARATIONS OF INTEREST**

Cr Hobbs declared an interest in Item 13.1 as he is a member of the Kojonup Tourist Railway and also in Item 13.4 as his wife, Barbara, is a member of the Kodja Place Advisory Committee which is affiliated with the Kodja Place Community Fund Inc.

Cr Warland declared an interest in Item 19.2 as her husband sits on the Kodja Place Community Fund Inc.

Cr Pedler declared an interest in Item 19.2 as Mr. Andrew Paice (the current Black Cockatoo Café lessee) is a client.

10 CORPORATE SERVICES REPORTS**10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (APRIL 2016)**

AUTHOR: Anthony Middleton – Manager Corporate Services
 DATE: Thursday, 5 May 2016
 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 2016.

BACKGROUND

In addition to good governance, the presentation to the Council of monthly financial reports is a statutory requirement, with these to be presented at an ordinary meeting of the Council within two (2) months after the end of the period to which the statements relate.

COMMENT

The attached Statement of Financial Activity for the period 1 July 2015 to 30 April 2016 represent ten (10) months, or 83% of the year. The following items are worthy of noting:

- Surplus position of \$814,711;
- Operating results:
 - 74% of budgeted operating revenue received; and
 - 77% of budgeted operating expenditure spent;
- Capital expenditure achieved 47% of budgeted projects;
- The value of outstanding rates equates to 5.8% of 2015/2016 rates raised, which includes previous years arrears but excludes deferred rates (refer to page 17 of the statements);
- Cash holdings of \$3.79m of which \$3.1m is held in cash backed reserve accounts;
- Page 7 & 8 of the statements detail major variations from year to date (amended) budgets in accordance with Council Policy 2.1.6.

The following capital expenditure projects have exceeded their authorized budgets:

COA	Description	Resp. Officer	Budget	YTD Actual	% of Annual Budget
C139	Bagg St - Convert Doctors Surgery	MRS	\$30,000	\$31,804	106%
C147	Springhaven - Furniture	MACS	\$3,000	\$3,477	116%
C248	Widening – Broomehill Kojonup Road	MWS	\$330,000	\$354,162	107%

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* sets out the basic information which must be included in the monthly reports to Council.

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

This item reports on the current financial position of the Shire. The recommendation does not in itself have a financial implication.

STRATEGIC/CORPORATE IMPLICATIONSCommunity Strategic Plan 2013 – 2023

Outcomes:

- G1 – Being Well Governed

Corporate Business Plan 2013 – 2017

Objectives:

- G1.1.2 – Maintain a structured forward planning process in accordance with legislation and community aspirations
- G1.1.4 – Maintain robust systems and controls

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications for this report.

ASSET MANAGEMENT PLAN IMPLICATIONS

There are no asset management implications for this report.

VOTING REQUIREMENTS

Simple Majority

3:05pm – The Town Planner departed from the Chamber.

3:06pm – The Town Planner returned to the Chamber.

COUNCIL DECISION/OFFICER RECOMMENDATION

56/16 Moved Cr Hobbs, seconded Cr Warland that the monthly financial statements for the period 1 July 2015 to 30 April 2016, as attached, be noted.

CARRIED 7/0

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Christine Coldwell - Finance Officer
DATE: Friday, May 6, 2016
FILE NO: FM.AUT.1
ATTACHMENT: 10.2 Monthly Payment Listing 01/04/2016 – 30/04/2016

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments covering the month of April 2016.

BACKGROUND

Not applicable.

COMMENT

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

In accordance with the previous briefing session any comments or queries regarding the list of payments is to be directed to the Manager of Corporate Services via email prior to the meeting.

CONSULTATION

No consultation was required.

STATUTORY REQUIREMENTS

Regulation 12(1)(a) of the *Local Government (Financial Management) Regulations 1996* provides that payment may only be made from the municipal fund or trust fund if the Local Government has delegated the function to the Chief Executive Officer.

The Chief Executive Officer has delegated authority to authorise payments. Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

POLICY IMPLICATIONS

Council's Policy 2.1.2 provides authorisations and restrictions relative to purchasing commitments.

FINANCIAL IMPLICATIONS

All payments made in line with Council Policy.

STRATEGIC/CORPORATE IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

A control measure to ensure transparency of financial systems and controls regarding creditor payments.

ASSET MANAGEMENT PLAN IMPLICATIONS

There are no asset management implications for this report.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION/OFFICER RECOMMENDATION

57/16 Moved Cr Pedler, seconded Cr Mathwin that in accordance with Regulation 13 (1) of the *Local Government (Financial Management) Regulations 1996*, the list of payments as attached made under delegated authority:

	FROM	TO	TOTAL
Date	1 April 2016	30 April 2016	
Municipal Cheques	13670	13696	\$71,879.44
EFT's	15970	16165	\$977,395.81
Direct Debits			\$205,223.77
			\$1,254,499.02

be received.

CARRIED 7/0

10.3 LEASE OF COUNCIL PROPERTY – 162 BLACKWOOD ROAD, KOJONUP

AUTHOR: Anthony Middleton – Manager Corporate Services
DATE: Thursday, 5 May 2016
FILE NO: CP.LEA.1
ATTACHMENT: 10.3 Map

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this report is to consider tenders received for the lease for three (3) years of Lot 162 Blackwood Road.

BACKGROUND

At its meeting held on 17 February 2015, the Council resolved:

“...that Council accept the tender offer from the Kojonup Football Club to lease Lot 162 Blackwood Road, Kojonup at \$4,000 plus GST per annum for the period 1st April 2015 to 31st March 2016.”

Prior to the above decision, the Shire had previously leased the land to the Kojonup Football Club and Kojonup Cricket Club for farming purposes and more particularly for the purposes of a community cropping programme to provide funding for their ongoing operations.

At its meeting held on 15 March 2016, the Council resolved:

“...that Council offer for lease by public tender Lot 162 Blackwood Road, Kojonup for a three (3) year period.”

Tenders were advertised in the Kojonup News on 1 April & 15 April and via the Shire’s E-Newsletter on 24 March, 8 April & 22 April.

COMMENT

Lot 162 is approximately 34 hectares situated between the industrial estate and Showgrounds (see attached map).

The lease was advertised with the following relevant conditions:

- Term of lease to be for a period of three (3) years;
- The lessee accepts the property on an ‘as is’ basis;
- The lessee is to maintain fences at the current standards;
- The Shire will not be liable for any issues arising from fencing and/or containment of stock;
- The lessee is responsible for managing and minimising any fire hazard and complying with any relevant conditions of the annual fire break order;
- Possibility of future dam to be constructed on the lot (refer note above);
- Stocking rates will be agreed by both parties on an ‘as needs’ basis to respond to any animal welfare, fire hazard reduction, and land quality preservation issues that may arise.

The lease also stated:

‘Please note:

The Shire of Kojonup is currently in negotiations with the Water Corporation to allow for the possible sinking of a dam on Lot 162 and, as a trade-off, use of the balance of the Water Corporation land surrounding the sewage ponds. Provision will be made in any lease agreement with the successful tenderer to allow for this possibility as a part of the Shire’s continuing Integrated Water Management Plan.’

One tender was received from the Kojonup Football Club for \$3,200 plus GST per annum.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Section 3.58 of the *Local Government Act 1995* states that Council can only dispose of property (which encompasses leases) by the highest bidder at public auction or by public tender where in the opinion of the local government is the most acceptable tender, whether or not it is the highest tender.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The previous years’ lease payment for this land parcel was \$4,000 per annum so this tender represents a reduction in revenue of \$800 per year.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023

Outcomes:

- G1 - Being Well Governed

Corporate Business Plan 2013 – 2017

Objectives:

- G1.1.4 Maintain robust systems and controls

RISK MANAGEMENT IMPLICATIONS

Nil

ASSET MANAGEMENT IMPLICATIONS

This lease ensures that this Shire land is being utilised, maintained and fire control actions are being undertaken whilst providing a small amount of revenue. It will also assist a community group to raise funds.

VOTING REQUIREMENTS

Simple Majority

The Shire President commented on behalf of Cr Radford that this Item and advertising should have been included in an earlier Council Agenda such as January/February to keep in time with seasonal conditions.

OFFICER RECOMMENDATION

That the tender from the Kojonup Football Club of \$3,200 per annum plus GST for the lease of Lot 162 Blackwood Road, Kojonup for a three (3) year period be accepted.

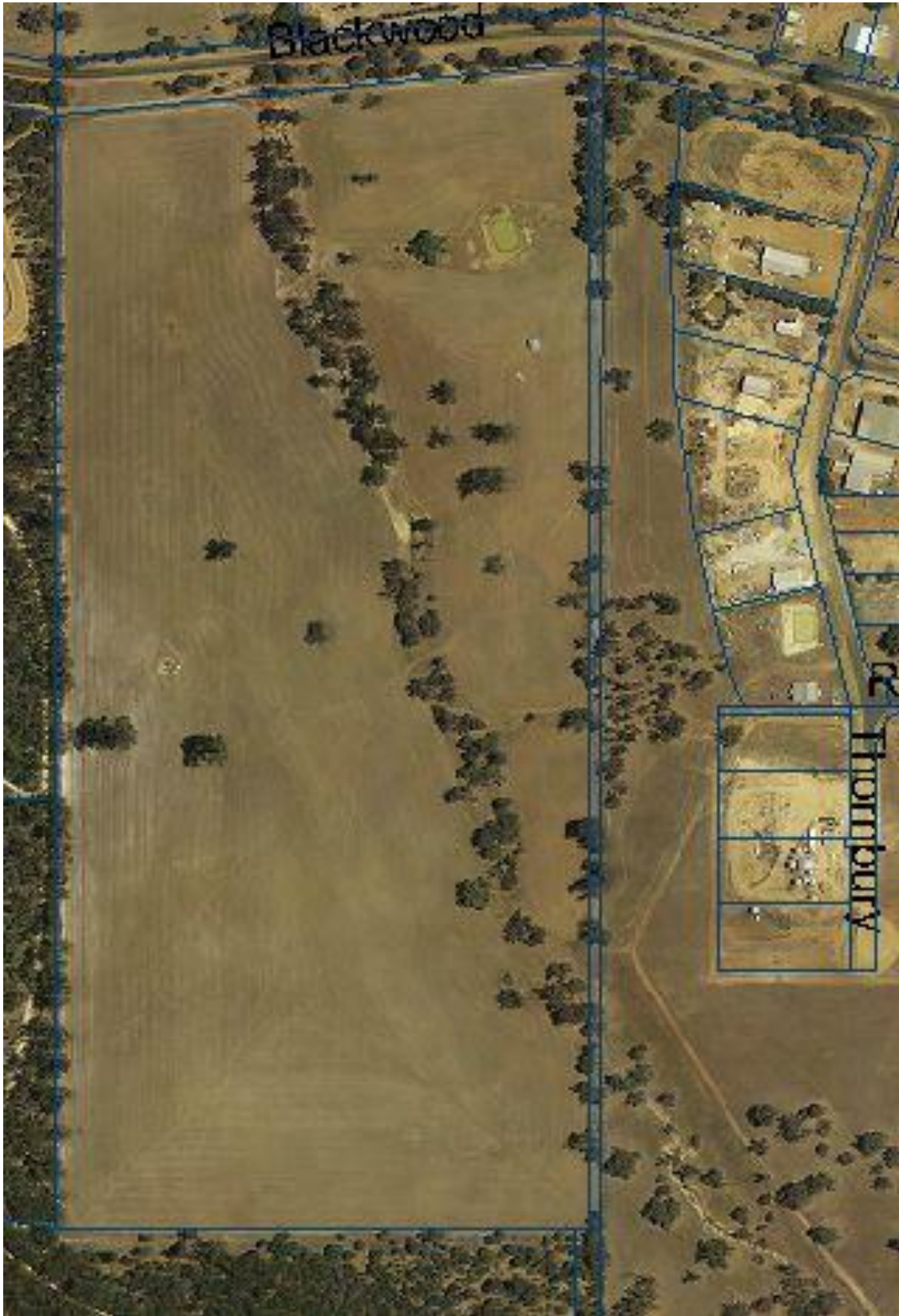
COUNCIL DECISION

58/16 Moved Cr Mathwin, seconded Cr Sexton that the tender from the Kojonup Football Club of \$3,200 per annum plus GST for the lease of Lot 162 Blackwood Road, Kojonup for a two (2) year, eleven (11) month period beginning 1 April 2016 and concluding 1 March 2019, be accepted.

CARRIED 7/0

REASON FOR CHANGE: Council felt it was pertinent to include the beginning and concluding dates for the lease period. In light of the Shire President's comments, Council also wished to conclude the lease one month early to allow for seasonal conditions when readvertising the lease.

Attachment 10.3



10.4 LEASE OF COUNCIL PROPERTY – PART OF LOT 9999 THORNBURY CLOSE, KOJONUP

AUTHOR: Anthony Middleton – Manager Corporate Services
DATE: Thursday, 5 May 2016
FILE NO: CP.LEA.1
ATTACHMENT: 10.4 Map

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider tenders received to lease for three (3) years the balance of the industrial estate land at Thornbury Close, Kojonup (part of Certificate of Title Volume 2670 Folio 367) Lot 9999 being remainder of Lot 9 after subdivision.

BACKGROUND

At its meeting held on 21 April 2015, the Council resolved:

“...that Council rescinds decision 7/15 from 17th February 2015 and accepts the tender from Mr Cavanagh for \$1,500 per annum for a one year lease on the following conditions:

- 1. That the lease will be for the period 1st April 2015 to 31st March 2016.*
- 2. That the lease may not be renewed after 31 March 2016.*
- 3. That Council will proceed to assess the future use of the land for possible industrial area development.*
- 4. That the current use of the land provides a reduction in risk as to potential fire hazards.”*

Prior to the above decision, the Shire had previously leased the subject land to Gary Cavanagh for farming purposes and more particularly for the purposes of grazing sheep.

At its meeting held on 15 March 2016, the Council resolved:

“...that Council offer for lease by public tender the land as marked on the attached map, Lot 9999 Kojonup (part of Certificate of Title Volume 2670 Folio 367 being remainder of Lot 9 after subdivision excluding the area of land in the fenced off area in the South East corner, for a three (3) year period.”

And

“...that:

- 1. The Officer’s Recommendation not be accepted;*
- 2. The approximate one (1) hectare fenced off portion of the South East corner of Lot 9999 Kojonup (part of Certificate of Title Volume 2670 Folio 367)(as per the attached map) be incorporated into the land area to be leased in Item 10.6 of this Agenda;*
- 3. The internal lot fence that creates the approx. one hectare ‘part lot’ be removed;*
- 4. Any duplicate access points into Lot 9999 on the Eastern boundary be removed; and*

5. *A buffer of trees be planted and fenced along the Eastern boundary as per the town planning scheme zoning of Lot 9999.”*

Tenders were advertised in the Kojonup News on 1 April & 15 April and via the Shire’s E-Newsletter on 24 March, 8 April & 22 April.

COMMENT

Lot 9999 is approximately 21.5 hectares of Shire controlled land situated South and West (battle axe shape) of the Kojonup Industrial Estate (see attached map).

The lease was advertised with the following relevant conditions:

- Term of lease to be for a period of three (3) years;
- The lessee accepts the property on an ‘as is’ basis;
- The lessee is to maintain fences at the current standards;
- The Shire will not be liable for any issues arising from fencing and/or containment of stock;
- The lessee is responsible for managing and minimising any fire hazard and complying with any relevant conditions of the annual fire break order; and
- Stocking rates will be agreed by both parties on an ‘as needs’ basis to respond to any animal welfare, fire hazard reduction, and land quality preservation issues that may arise.

During the advertising period it was revealed that the South West corner of the lot has been fenced off for many years and is utilised by the Kojonup District High School for grazing. There are no records of this having occurred, no lease agreement and it is not in accordance with the provisions of the *Local Government Act 1995*. Consultation with the Chief Executive Officer determined that the full lot continue to be advertised for lease and that the School be approached to re-align fences and utilise land in accordance with lot boundaries. The tender submitted is based on the full lot (approx. 21.5ha) being available.

One tender was received from Gary Cavanaugh for \$2,000 inclusive of GST per annum.

CONSULTATION

Chief Executive Officer.

STATUTORY REQUIREMENTS

Section 3.58 of the *Local Government Act 1995* states that Council can only dispose of property (which encompasses leases) by the highest bidder at public auction or by public tender where in the opinion of the local government is the most acceptable tender, whether or not it is the highest tender.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The previous years’ lease payment for this land parcel was \$1,500 per annum so this tender represents an increase in revenue of \$318 per year.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023

Outcomes:

- G1 – Being Well Governed

Corporate Business Plan 2013 – 2017

Objectives:

- G1.1.4 Maintain robust systems and controls

RISK MANAGEMENT IMPLICATIONS

Nil

ASSET MANAGEMENT IMPLICATIONS

This lease ensures that this Shire land is being utilised, maintained and fire control actions are being undertaken whilst providing a small amount of revenue.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. That the tender from Gary Cavanaugh of \$2,000 per annum GST inclusive for the lease of Lot 9999 Kojonup (part of Certificate of Title Volume 2670, Folio 367) being remainder of Lot 9 after subdivision for a three (3) year period be accepted;
2. The Kojonup District High School be notified that the South West corner of Lot 9999 has been leased to a third party and will therefore be unavailable for their use; and
3. The Southern fence of Lot 9999 be aligned in accordance with the lot boundary.

COUNCIL DECISION

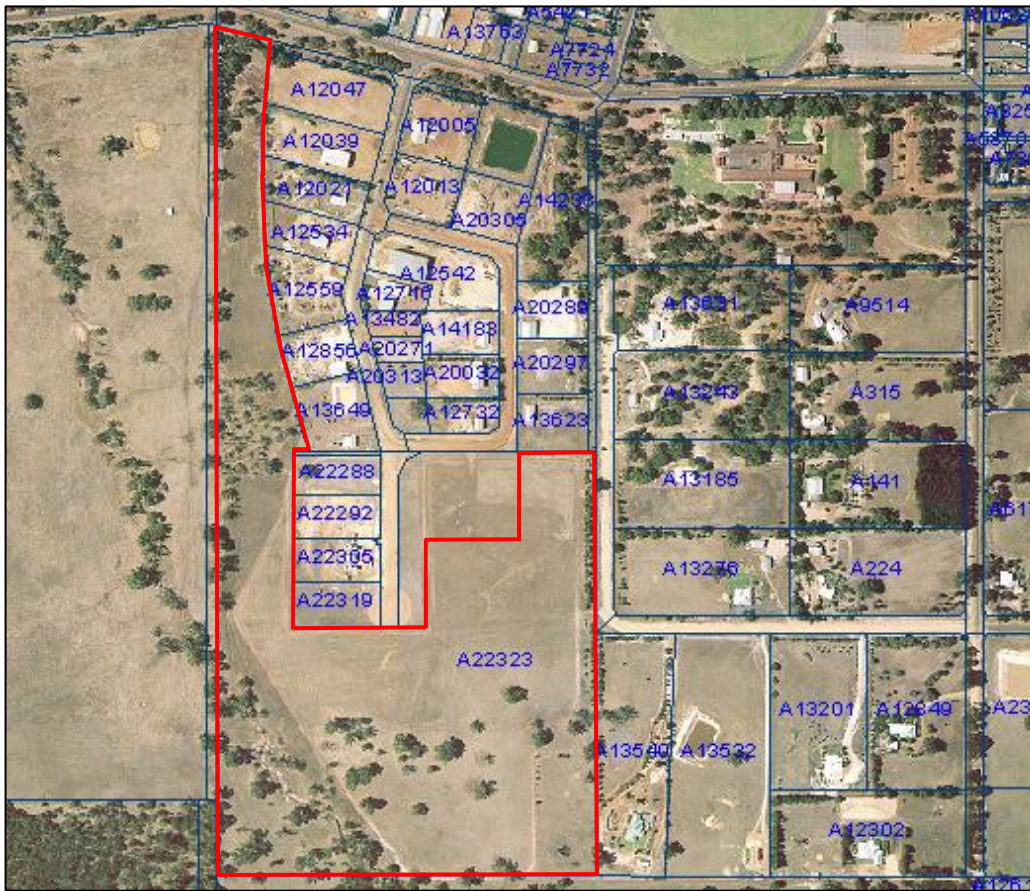
59/16 Moved Cr Sexton, seconded Cr Pedler that:

1. **That the tender from Gary Cavanaugh of \$2,000 per annum GST inclusive for the lease of Lot 9999 Kojonup (part of Certificate of Title Volume 2670, Folio 367) being remainder of Lot 9 after subdivision for a two (2) year, eleven (11) month period from 1 April 2016 to 1 March 2019, be accepted;**
2. **The Kojonup District High School be notified that the South West corner of Lot 9999 has been leased to a third party and will therefore be unavailable for their use; and**
3. **The Southern fence of Lot 9999 be aligned in accordance with the lot boundary.**

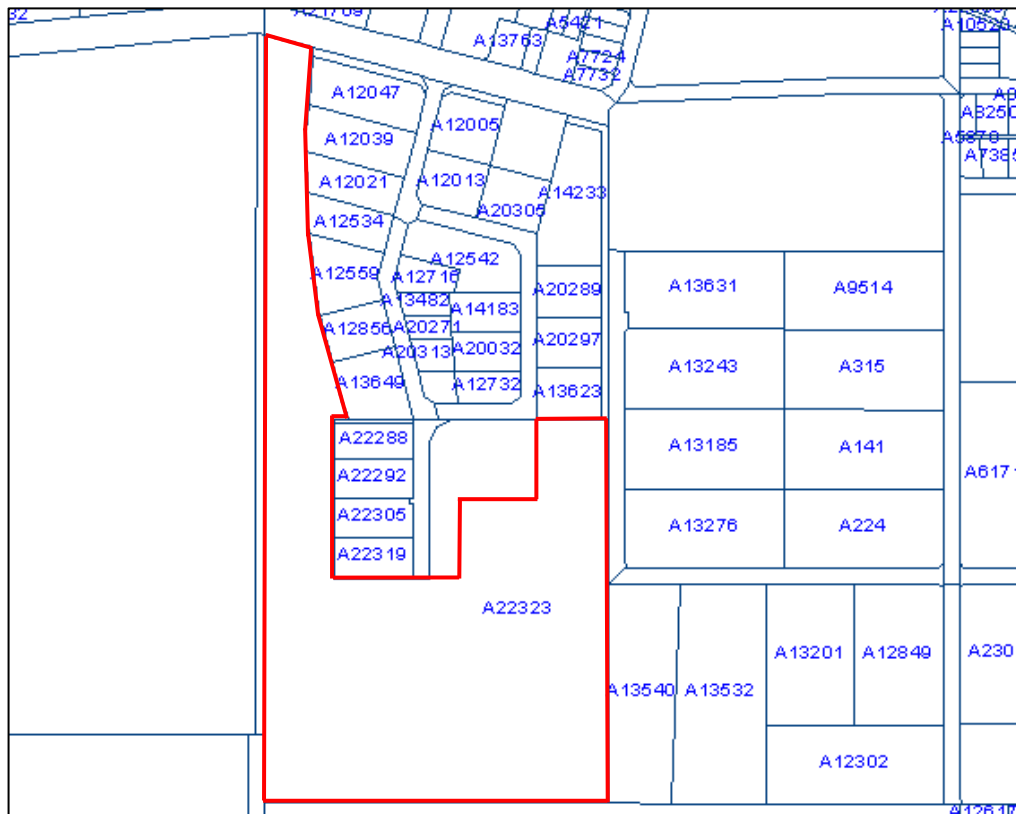
CARRIED 7/0

REASON FOR CHANGE: Council felt it was pertinent to include the beginning and concluding dates for the lease period. The Council also wished to conclude the lease one month early to allow for seasonal conditions when readvertising the lease.

Attachment 10.4



(Aerial Photograph showing Lot 9999)



(Map showing Lot 9999)

10.5 POLICY – REVIEW OF PURCHASING & CREDITOR CONTROL

AUTHOR: Anthony Middleton – Manager Corporate Services
 DATE: Thursday, 5 May 2016
 FILE NO: FM.POL.1
 ATTACHMENT: 10.5.1 Existing Policy
 10.5.2 Proposed Policy

DECLARATION OF INTEREST

Nil

SUMMARY

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

BACKGROUND

The existing Council Policy is attached as attachment 10.5.1. The last major review of this policy occurred in November 2014.

COMMENT

The attached policy has been updated following a review of both the *Local Government (Functions and General) Regulations 1996* and the internal purchasing systems with the corporate services section.

Changes to *Local Government (Functions and General) Regulations 1996*

A summary of the key changes made, effecting 1 October 2015, were as follows:

- The tender threshold has been increased from \$100,000 to \$150,000.
- For the purchase of goods and services under this threshold, the amendments have introduced the requirement for the purchasing policy to include the minimum number of oral and written quotes that must be received.
- If the contract for goods or services is expected to be more than \$150,000 a public tender process is required.
- Amendments have been made to Regulation 11(2) which relate to circumstances where tenders do not need to be publically invited. This includes when goods or services are obtained through:
 - The WA Local Government Association preferred supplier program;
 - A person registered on the Aboriginal Business Directory WA for contracts worth \$250,000 or less, or
 - An Australian Disability Enterprise.
- It is also not necessary to invite public submissions if the term of the original contract is being renewed or extended where:
 - (i) the original contract was entered into after a public submission period;
 - (ii) the invitation to tender included the option for a renewal or extension;
 - (iii) the original contract contained an option to renew or extend; or
 - (iv) the supplier's tender included a requirement for such an option.

Review of Internal Purchasing Controls

The Shire’s finance staff have regular meetings with the express purpose of reviewing and improving our systems and procedures. The goal of these meetings is to not only document what we do and how we do it but to also substantially improve compliance of our policies through improving their practicalities. These reviews have identified a required improvement in correlation between the petty cash process and this purchasing policy. As

such, the petty cash (internal) procedure has been changed to include a \$40 maximum and the attached purchasing policy amended to require purchase orders for goods and services over \$40 (up from the present threshold of \$0).

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

CONSULTATION

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

STATUTORY REQUIREMENTS

There are numerous sections of the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and *Local Government (Functions and General) Regulations 1996* that apply to this item. However, of most relevance is Local Government (Functions and General) Regulation 11A, which is as follows:

11A. Purchasing policies for local governments

- (1) A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150,000 or less or worth \$150,000 or less.
- (2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).
- (3) A purchasing policy must make provision in respect of —
 - (a) the form of quotations acceptable; and
 - (ba) the minimum number of oral quotations and written quotations that must be obtained; and
 - (b) the recording and retention of written information, or documents, in respect of —
 - (i) all quotations received; and

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

POLICY IMPLICATIONS

This item recommends modification to an existing Council Policy.

FINANCIAL IMPLICATIONS

This item details financial systems and processes to be used by the Shire. The recommendation does not in itself have a financial implication although is an important financial control mechanism.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023

Outcomes:

- G1 – Being Well Governed

Corporate Business Plan 2013 – 2017

Objectives:

- G1.1.2 – Maintain a structured forward planning process in accordance with legislation and community aspirations
- G1.1.4 Maintain robust systems and controls

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION/OFFICER RECOMMENDATION

60/16 Moved Cr Mathwin, seconded Cr Pedler that the revised Council Policy 2.1.2, Purchasing and Creditor Control, as attached, be adopted.

CARRIED 7/0

Attachment 10.5.1

2.1.2 PURCHASING & CREDITOR CONTROL

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Reviewer:	Manager of Corporate Services		
Local Law:			
Procedure:			
Delegation:	ADMIN 015 - Inviting Tenders or Quotations for the Supply of Goods & Services ADMIN 016 - Acquisition & Disposal of Property		

PURPOSE

To clearly articulate the parameters for purchasing on behalf of the Shire of Kojonup.

OBJECTIVES

- To provide compliance with the Local Government Act, 1995 and the Local Government (Functions and General) Regulations, 1996 and the Local Government (Financial Management) Regulations 1996;
- To deliver a best practice approach and procedures to internal purchasing; and
- To ensure consistency for all purchasing activities that integrates within all the Shire's operational areas.

PRINCIPLES

1.1 Ethics and Integrity

All employees of the Shire of Kojonup shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire of Kojonup.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- Full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- All purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Kojonup policies and code of conduct;
- Purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- All processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- Any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- Any information provided to the Shire of Kojonup by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

1.2 Purchasing Thresholds

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	Policy	Authorised Officers
Up to \$2,000	<p>Direct purchase from suppliers requiring only one verbal quotation. Where the value of procurement of goods or services does not exceed \$2,000, purchase on the basis of at least one verbal quotation 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.</p> <p>This purchasing method is suitable where the purchase is relatively small and low risk.</p> <p>A purchase order is required for all purchases.</p>	CEO, Senior Managers & delegated Purchasing Officers
\$2,001 - \$20,000	<p>Obtain at least two verbal or written quotations. Where possible, at least two verbal or written quotations (or a combination of both) are required. A "Record of Quotes" form must be completed where no written quote is available, i.e. for verbal quotations or where multiple quotes is not practical, e.g. due to limited suppliers, it must be noted by completing a statement form.</p> <p>The general principles for obtaining verbal quotations are:</p> <ul style="list-style-type: none"> Ensure that the requirement / specification is clearly understood by the 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. <p>Record keeping requirements must be maintained in accordance with record keeping policies.</p> <p>A purchase order is required for all purchases.</p>	CEO, Senior Managers & delegated Purchasing Officers
\$20,001 - \$50,000	<p>Where possible, obtain at least two written quotations The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.</p> <p>It is required to obtain at least three written quotes. Should three quotes not be possible, a "Record of Quotes" form is to be completed and attached to the purchase order.</p> <p>NOTE: The general principles relating to written quotations are:</p> <ul style="list-style-type: none"> • 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 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. 	CEO & Senior Managers

	<ul style="list-style-type: none"> • 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. <p>A purchase order is required for all purchases.</p>	
<i>\$50,001 - less than \$100,000</i>	<p>Obtain at least three written quotations containing price and specification of goods and services.</p> <p>For the procurement of goods or services where the value exceeds \$50,001 but is less than \$100,000 it is required to obtain at least three written quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased. Record keeping requirements must be maintained in accordance with record keeping policies.</p> <p>For this procurement range, the selection should not be based on price alone, and the CEO shall 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. A purchase order is required for all purchases.</p>	CEO
<i>\$100,000 and above</i>	<p>TENDER</p> <p>Conduct a public tender process</p>	Full Council

Other purchasing threshold points to 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 is made to seek public tenders for contracts of less than \$100,000, the tender process outlined in the Local Government Act 1995 must be followed in full.
- Where a WALGA preferred supplier is used, the need to obtain quotes is removed. (r13)
- When assessing quotes please refer to section 1.3.4 Regional Price Preference of this policy.
- The authorised officer that is signatory on the purchase order must also be the signatory on the corresponding invoice.

1.3 REGULATORY COMPLIANCE

1.3.1 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 the 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.

1.3.2 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. Written confirmation of this must be kept on file for later audit and must be approved in writing by the CEO.

Note: The application of provision "sole source of supply" should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.

1.3.3 Anti-Avoidance

Authorised Officers shall not enter 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.

1.3.4 Regional Price Preference

Council may give preference to a regional supplier by assessing the quote from that regional supplier as if the quote were reduced by:

- 5% for goods or services for a supplier from within the Shire of Kojonup; and
- 2.5% for goods or services for a supplier from a Shire within the Great Southern Region of Western Australia (as defined by the Great Southern Zone of the Western Australian Local Government Association).

(If price then demonstrates best value outcome for the Shire).

1.4 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; and
- Notification and award documentation.

For a direct purchasing process this includes:

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

Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Shire of Kojonup's internal records management policy.

1.5 PAYMENT OF CREDITORS

The Chief Executive Officer is delegated authority to make payments from the Municipal Fund or the Trust Fund. Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing:

- The payee's name;
- The amount of the payment;
- The date of the payment; and
- Sufficient information to identify the transaction.

THE LIST REFERRED TO ABOVE IS TO BE PRESENTED TO THE COUNCIL AT EACH ORDINARY MEETING OF THE COUNCIL AND IS TO BE RECORDED IN THE MINUTES OF THE MEETING AT WHICH IT IS PRESENTED.

Attachment 10.5.2**2.1.2 PURCHASING & CREDITOR CONTROL (PROPOSED)**

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Reviewer:	Manager of Corporate Services		
Local Law:			
Procedure:			
Delegation:	ADMIN 015 - Inviting Tenders or Quotations for the Supply of Goods & Services		
	ADMIN 016 - Acquisition & Disposal of Property		

PURPOSE

To clearly articulate the parameters for purchasing on behalf of the Shire of Kojonup.

OBJECTIVES

- To provide compliance with the Local Government Act, 1995 and the Local Government (Functions and General) Regulations, 1996 and the Local Government (Financial Management) Regulations 1996;
- To deliver a best practice approach and procedures to internal purchasing; and
- To ensure consistency for all purchasing activities that integrates within all the Shire's operational areas.

PRINCIPLES

1.1 Ethics and Integrity

All employees of the Shire of Kojonup shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire of Kojonup.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- Full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- All purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Kojonup policies and code of conduct;
- Purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- All processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- Any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- Any information provided to the Shire of Kojonup by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

1.2 Purchasing Thresholds

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	Policy	Authorised Officers
\$0 to \$40	<p>No formal process Small incidental purchases made from local suppliers with a running monthly account to the value of \$40 do not require quotations or purchase orders e.g. Milk from the Supermarket. All care and responsibility must still be taken as is expected spending public money.</p>	Shire of Kojonup Employees
\$40 - \$2,000	<p>Direct purchase from suppliers requiring only one verbal quotation. Where the value of procurement of goods or services does not exceed \$2,000, purchase on the basis of at least one verbal quotation 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. A purchase order is required for all purchases.</p>	CEO, Senior Managers & delegated Purchasing Officers
\$2,000 - \$20,000	<p>Obtain at least two verbal or written quotations. Where possible, at least two verbal or written quotations (or a combination of both) are required. A "Record of Quotes" form must be completed where no written quote is available, i.e. for verbal quotations or where multiple quotes is not practical, e.g. due to limited suppliers, it must be noted by completing a statement form. The general principles for obtaining verbal quotations are: <ul style="list-style-type: none"> Ensure that the requirement / specification is clearly understood by the 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 record keeping policies. A purchase order is required for all purchases.</p>	CEO, Senior Managers & delegated Purchasing Officers
\$20,000 - \$50,000	<p>Where possible, obtain at least two written quotations The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies. It is required to obtain at least three written quotes. Should three quotes not be possible, a "Record of Quotes" form is to be completed and attached to the purchase order. NOTE: The general principles relating to written quotations are: <ul style="list-style-type: none"> • 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; </p>	CEO & Senior Managers

	<ul style="list-style-type: none"> • Written Specification • Selection Criteria to be applied • Price Schedule • Conditions of responding • Validity period of offer • Invitations to quote should be 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. <p>A purchase order is required for all purchases.</p>	
<i>\$50,000 - less than \$150,000</i>	<p>Obtain at least three written quotations containing price and specification of goods and services.</p> <p>For the procurement of goods or services where the value exceeds \$50,000 but is less than \$150,000 it is required to obtain at least three written quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased. Record keeping requirements must be maintained in accordance with record keeping policies.</p> <p>For this procurement range, the selection should not be based on price alone, and the CEO shall 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. A purchase order is required for all purchases.</p>	CEO
<i>\$150,000 and above</i>	<p>TENDER</p> <p>Conduct a public tender process</p>	Full Council

Other purchasing threshold points to note:

- Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$150,000 threshold (excluding GST). If a decision is made to seek public tenders for contracts of less than \$150,000, the tender process outlined in the Local Government Act 1995 must be followed in full. (r13)
- Where a WALGA preferred supplier is used, the need to obtain quotes is removed.
- When assessing quotes please refer to section 1.3.4 Regional Price Preference of this policy.
- The authorised officer that is signatory on the purchase order must also be the signatory on the corresponding invoice.

1.3 REGULATORY COMPLIANCE

1.3.1 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 in advance by the 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.

1.3.2 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. Written confirmation of this must be kept on file for later audit and must be approved in writing by the CEO.

Note: The application of provision "sole source of supply" should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.

1.3.3 Anti-Avoidance

Authorised Officers shall not enter 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 \$150,000, thereby avoiding the need to publicly tender.

1.3.4 Regional Price Preference

Council may give preference to a regional supplier by assessing the quote from that regional supplier as if the quote were reduced by:

- 5% for goods or services for a supplier from within the Shire of Kojonup; and
- 2.5% for goods or services for a supplier from a Shire within the Great Southern Region of Western Australia (as defined by the Great Southern Zone of the Western Australian Local Government Association).

(If price then demonstrates best value outcome for the Shire).

1.4 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; and
- Notification and award documentation.

For a direct purchasing process this includes:

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

Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Shire of Kojonup's internal records management policy.

1.5 PAYMENT OF CREDITORS

The Chief Executive Officer is delegated authority to make payments from the Municipal Fund or the Trust Fund. Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing:

- The payee's name;
- The amount of the payment;
- The date of the payment; and
- Sufficient information to identify the transaction.

The list referred to above is to be presented to the Council at each ordinary meeting of the Council and is to be recorded in the minutes of the meeting at which it is presented.

11 WORKS & SERVICES REPORTS

Nil

12 REGULATORY SERVICES REPORTS

12.1 FIRE BREAK ORDER – 2016/2017

AUTHOR: Rob Cowie – Administration/Regulatory Officer
DATE: Thursday, 14 April 2016
FILE NO: LE.NOT.2
ATTACHMENT: 12.1 Firebreak Notice 2016/2017

DECLARATION OF INTEREST

Nil

SUMMARY

To consider the Fire Break Order for 2016/2017.

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 and 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 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 2016.

As a result of a recommendation from the Bushfire Advisory Committee, the date for closing the restricted burning period has been changed to 14 April 2017.

CONSULTATION

The Fire Break Order is a working document that has evolved with consultation with the Bush Fire Advisory Committee.

STATUTORY REQUIREMENTS

Section 33 of the *Bushfires Act 1954* relates to Firebreak Orders.

POLICY IMPLICATIONS

There are no known Shire of Kojonup Policy implications

FINANCIAL IMPLICATIONS

There are no known Shire of Kojonup Financial implications

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023

Outcomes:

- N2.4.1 – Maintain a community driven response to bushfire risk management.

Corporate Business Plan 2013 – 2017

Objectives:

- N2.4.1 – Maintain a community driven response to bushfire risk management.

RISK MANAGEMENT IMPLICATIONS

There are no known Risk Management implications

ASSET MANAGEMENT PLAN IMPLICATIONS

There are no known Asset Management Plan implications

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council adopt the Firebreak Order for 2016/2017 season as per Attachment 12.1.

COUNCIL DECISION

61/16 Moved Cr Sexton, seconded Cr Pritchard that Council adopt the Firebreak Order for 2016/2017 season as per Attachment 12.1 subject to the following changes:

- **page 36 “Boliup” to read “Boilup”;**
- **first page should read “Permits will not be issued for townsite burning between 15 Feb and 14 April”;**
- **Fax numbers for Tony Fisher and Roger House should not be the same;**
- **The season should be 2016/17 on the last page;**
- **Tony Fisher is “Chief” not “Deputy”; and**
- **Usually call the chief “Zulu Base” not “Zulu 1”.**

CARRIED 7/0

REASON FOR CHANGE: Council wished to correct typos within Attachment 12.1 before it is approved and dispatched to be printed.

Attachment 12.1

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

2016/2017 FIRE BREAK ORDER



By order of the Shire of Kojonup Council 17 May 2016
Rick Mitchell-Collins, Chief Executive Officer

BUSH FIRE BAN PHONE LINE: 9831 0145
BUSH FIRE EMERGENCY: 9831 1580 or 000
EMERGENCY SMS LIST: SHIRE 9831 2400

PROHIBITED BURNING TIME

1 November – 14 February

Permits may be issued between 1 Nov – 15 Dec for protective burning only. Between 16 Dec – 14 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 & 15 Feb – 14 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 – 14 Apr. Please note restricted burning times may be extended by the CBFCCO, 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). As from the 1st April, lighting times may be 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

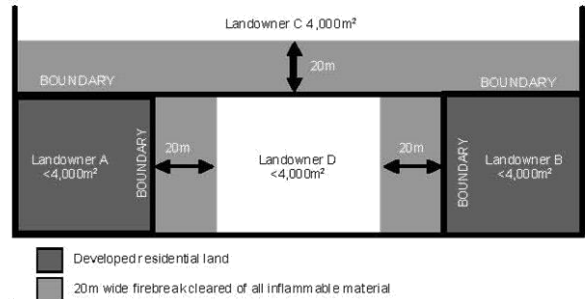
RADIO COMMUNICATIONS

VHF Channel 41	Mid Band Channel
UHF Channel 3	Prior to arrival at firesite
UHF Channel 11	Upon arrival at firesite
Channel 234 or 229	WAERN

BURNING RULES

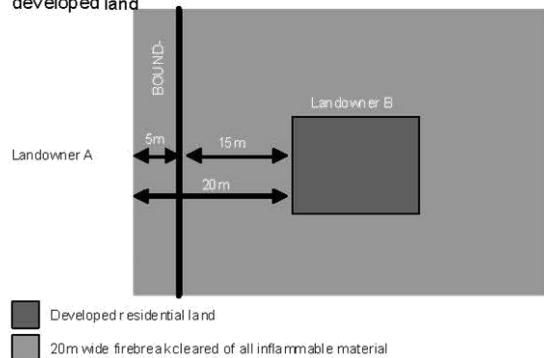
FIREBREAK DIAGRAM 1

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 4,000m² 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 3rd December to 31st 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 15th 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 14th December to the 31st 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. Trailed units must have the towing vehicle attached at all times. The fire fighting unit must be located in or immediately adjacent to 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 1st Dec onwards (excluding canola swathing).

Oxyacetylene, 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

DEFINITIONS AND SPECIFICATIONS

FIRE CONTROL OFFICERS AND BRIGADES 2015/2016

BRIGADE			PHONE	MOBILE
BOLIUP				
Ben Johnston	Bravo 1	FCO	9832 8015	0429 328032
Brad Cussons	Bravo 2	LT	9832 8060	0407 984742
BOSCABEL				
Geoff Gale	Boscabel 1	FCO	9832 8098	0427 328098
Doug Harrison	Boscabel 2	LT	9832 8009	0447 983280
Glen Woodhams	Boscabel 3	LT	9832 8074	0427 328005
John Benn	Boscabel 4	LT		0409 116950
CHANGERUP				
Paul Norrish	Charlie 1	FCO	9832 1017	0428 919609
Ian Watson	Charlie 2	LT	9833 1209	0428 887599
Murray Magini	Charlie 3	LT	9863 1191	0429 198701
CTP				
Owen Bignell	CTP 1	FCO	9831 0333	0429 311383
Anthony Kowald	CTP 2	1st LT	9821 0074	0427 210074
Andrew Bushell	CTP 3	2nd LT	9821 0189	0409 111691
Dan Ladyman	CTP 4	3rd LT	9821 0114	0429 001981
JINGALUP				
David Eatt	Jingalup 1	FCO	9833 6286	0427 336286
Gary Draper	Jingalup 2	LT	9833 6258	0437 050233
David Robinson	Jingalup 3	LT	9833 6293	0427 336293
KOJONUP				
Roger Bilney	Keelo 1	FCO	9831 1657	0428 341012
Graham McIlree	Keelo 2	LT	9831 0570	0427 384429
Gavin Norrish	Keelo 3	LT	9831 1467	0429 311467
LUMEAH				
Kit Anderson	Leema 1	FCO	9834 3030	0488 343030
Tim Tresize	Leema 2	LT	9834 1142	0429 311795
Hamish Thorn	Leema 3	LT	9834 1097	0457 424986
MOBRUP				
Justin Fleay	Mobrup 1	FCO	9833 7546	0427 270338
Ross Fryer-Smith	Mobrup 2	LT	9834 2202	0429 342202
Thys Gorter	Mobrup 3	LT	9833 7524	0428 191303
MURADUP				
Mark Blewett	Mike 1	FCO	9832 1130	0428 250229
Ashley Sexton	Mike 2	LT	9832 1105	0438 927774
Bob Francis	Mike 3	TWN	9832 1054	0418 940644
ORCHID VALLEY				
Griffen Chomley	OV 1	FCO	9832 3004	0428 323005
Colin Ednie-Brown	OV 2	LT	9832 3071	0429 323071
Daniel Simpson	OV 3	LT	9832 3051	0427 525345
QUALEUP				
David Forrester	Qualeup 1	FCO	9832 3070	0427 323070
Andrew Marsh	Qualeup 2	LT	9833 2269	0428 992250
Trevor Wood	Qualeup 3	LT	9832 3074	0428 323074
Marty Hallet	Qualeup 4	LT	9832 3078	0417 093248
RYANS BROOK				
Bevan Gibbs	Romeo 1	FCO	-----	0427 441348
Stuart Tohl	Romeo 2	LT	9834 2225	0447 342225
Rhyce Mason	Romeo 3	LT	9834 2271	0428 983422
SECRETARY				
Denise Berryman	Mike 4	Sec	9832 1041	9832 1042

BRIGADE CONTACT DETAILS**ZULU CONTACTS**

Name	Position	CallSign	Contact Details
Tony Fisher	Deputy FCO	Zulu 1	Ph 9831 1504 Mb 0428 311 504 Fx 9831 1845
Roger House	Deputy FCO	Zulu 2	Ph 9832 10031 Mb 0428 148 545 Fx 9831 1845
Murray Gibbs	Senior FCO	Zulu 3	Ph 9834 2221 Mb 0427 022 218 Fx 9834 2221
Myles Reid	Senior FCO	Zulu 4	Ph Mb 0409 523 008 Fx

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 (St Luke's Kojonup)	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
Channel 234 or 229	WAERN

ZULU & SHIRE CONTACT DETAILS

12.2 BUSH FIRE – APPOINTMENT OF OFFICERS FOR 2016/2017 BUSHFIRE SEASON

AUTHOR: Robert Cowie – Administration/Regulatory Officer
 DATE: Wednesday, 13 April 2016
 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 2016/2017.

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 Kojonup Bushfire Advisory Committee via individual Brigades and Kojonup Bushfire Association.

COMMENT

Following the Annual General Meeting (AGM) held 11 April 2016, the Kojonup Bushfire Association has recommended to the Bushfire Advisory Committee 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
Paul Norrish	Captain/FCO, Changerup Brigade
Owen Bignell	Captain/FCO, Cherry Tree Pool Brigade
David Eatt	Captain/FCO, Jinalup Brigade
Roger Bilney	Captain/FCO, Kojonup Brigade
Kit Anderson	Captain/FCO, Lumeah Brigade
Justin Fleay	Captain/FCO, Moberup Brigade
Mark Blewett	Captain/FCO, Muradup Brigade
Griffin Chomley	Captain/FCO, Orchid Valley Brigade
David Forrester	Captain/FCO, Qualeup Brigade
Bevan Gibbs	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 FCO's who are standing again from last year will be continued.

The Association AGM also made the following recommendations for Council consideration:

Mr Tony Fisher (Zulu 1)	Chief Bush Fire Control Officer Fire Weather Officer Issue permits for Clover Burr Ability to advise Shire on Vehicle & Harvest Bans
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Mr Roger House (Zulu 2)	Deputy Chief Bush Fire Control Officer Deputy Fire Weather Officer Issue permits for Clover Burr Ability to advise Shire on Vehicle & Harvest Bans
Mr Murray Gibbs (Zulu 3)	Senior Bush Fire Control Officer Ability to advise Shire on Vehicle & Harvest Bans
Mr Myles Reid (Zulu 4)	Senior Bush Fire Control Officer Ability to advise Shire on Vehicle & Harvest Bans

For the information of Council, the following Office Bearers were elected by the Association:

Mr Geoff Gale	President
Mrs Denise Berryman	Secretary

CONSULTATION

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

STATUTORY REQUIREMENTS

Section 38 & 40 of the *Bushfires Act 1954*

POLICY IMPLICATIONS

There are no known Shire of Kojonup policy implications.

FINANCIAL IMPLICATIONS

There are no known Shire of Kojonup financial implications.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023

Outcomes:

- N2.4.1 – Maintain a community driven response to bushfire risk management.

Corporate Business Plan 2013 – 2017

Objectives:

- N2.4.1 – Maintain a community driven response to bushfire risk management.

RISK MANAGEMENT IMPLICATIONS

There are no known Risk Management implications

ASSET MANAGEMENT PLAN IMPLICATIONS

There are no known Asset Management Plan implications

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION/OFFICER RECOMMENDATION

62/16 Moved Cr Sexton, seconded Cr Warland that:

- 1. The Council endorse the nominations of the below listed officers to the position of Captain/Fire Control Officer for the 2016/2017 financial year:**

Ben Johnston	Captain/FCO, Boilup Brigade
Geoff Gale	Captain/FCO, Boscabel Brigade
Paul Norrish	Captain/FCO, Changerup Brigade
Owen Bignell	Captain/FCO, Cherry Tree Pool Brigade
David Eatt	Captain/FCO, Jingalup Brigade
Roger Bilney	Captain/FCO, Kojonup Brigade
Kit Anderson	Captain/FCO, Lumeah Brigade
Justin Fleay	Captain/FCO, Mobrurp Brigade
Mark Blewett	Captain/FCO, Muradup Brigade
Griffin Chomley	Captain/FCO, Orchid Valley Brigade
David Forrester	Captain/FCO, Qualeup Brigade
Bevan Gibbs	Captain/FCO, Ryans Brook Brigade
Bob Francis	Captain/FCO, Muradup Town

- 2. Tony Fisher be appointed as Chief Bush Fire Control Officer for the Shire of Kojonup for the 2016/2017 financial year.**
- 3. Roger House be appointed as Deputy Chief Bush Fire Control Officer for the Shire of Kojonup for the 2016/2017 financial year.**
- 4. Murray Gibbs be appointed as Senior Fire Control Officer for the Shire of Kojonup for the 2016/2017 financial year.**
- 5. Myles Reid be appointed as Senior Fire Control Officer for the Shire of Kojonup for 2016/17 financial year.**
- 6. The Chief Fire Control Officer be appointed as Fire Weather Officer and the Deputy Chief Fire Control Officer be appointed as Deputy Fire Weather Officer for the Shire of Kojonup for the 2016/2017 financial year and the two Senior Fire Control Officers be authorised to act in this role in their absence.**
- 7. 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 the 2016/2017 financial year.**
- 8. 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 the 2016/2017 financial year.**
- 9. Council notes the appointment of Mr Gale as President of the Kojonup Bushfire Association.**
- 10. Council notes the appointment of Denise Berryman as Secretary for the Kojonup Bushfire Association.**

CARRIED 7/0

Cr Sexton recommended that Council recognise Mr Digby Stretch (as he is retiring) for his service to Kojonup as the Chief Bush Fire Control Officer.

12.3 DEVELOPMENT APPROVAL APPLICATION FOR SINGLE DWELLING & EXTENSION TO EXISTING OUTBUILDING AT LOT 77 KOJONUP/KATANNING ROAD, KOJONUP

AUTHOR: Phil Shephard – Town Planner
DATE: Monday, 9 May 2016
FILE NO: A8854
ATTACHMENT: 12.3 Copy of Plans

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the application for development approval to construct a 16m x 11m relocated transportable dwelling (including verandahs), a 6m x 6m extension to the existing shed, carport/patio area, 4m tall flagpole and personal wind turbine and 3m x 3m observation deck 3m above ground as shown on the attached plans.

The land is contained within the Residential Development zone and no delegation is available for staff to deal with the application and it must be referred to Council for a decision. The recommendation is to grant development approval subject to conditions.

BACKGROUND

Nil.

COMMENT

The lot presently has a 6m x 12m shed constructed upon it and has recently been purchased by the applicant who seeks to transport a relocated dwelling to the site and construct an addition to this transportable as well as undertake other alterations and additions as outlined. No details have been provided on the materials/finishes for the dwelling. The shed extension will be steel framed and clad with zincalume metal sheeting to match the existing building materials.

The site of the new transportable dwelling is shown as per below image.



*Proposed dwelling site and existing shed – Lot 77 Kojonup/Katanning Road, Kojonup
(Image Google Earth)*

The lot has frontage to Kojonup-Katanning and Bignell Roads and there are existing access points onto both roads.

Urban servicing including water, telecommunications, power and drainage are available to the site. No sewer is available to the lot.

Zoning and Land Use/Development

The land is zoned Residential Development with a split density code of R10/20 under Town Planning Scheme No. 3 (TPS3).

The objectives for the Residential Development Zone are contained within Clause 3.2.2 and state:

The use of land within the Residential Development Zone shall be consistent the following objectives:

- (a) *The Council will not allow any development or support subdivision in a Residential Development Zone without the preparation of, and its approval of, a Guided Development Plan for the area.*
- (b) *To allow a variety of uses in the zone without the need to rezone the area where minor modifications are required to the Guided Development Plan prior to the final subdivision.*

The land use will include a new dwelling and the proposal must be considered as a single house under the R-Codes which is a 'P' permitted use in the Residential Development zone under TPS3.

The proposed development is not exempt from planning consent, as set out in Clause 5.1.2 of the TPS3 and Council must determine the application. The approval of the single house on an existing lot within this zone is not considered to be in conflict with the intention for the Residential Development zone.

As the land does not have sewer available, the density of residential development is restricted by TPS3 (Clause 5.7.3) to R10. The following standards apply from Table 1 of the R-Codes for the R10 density code:

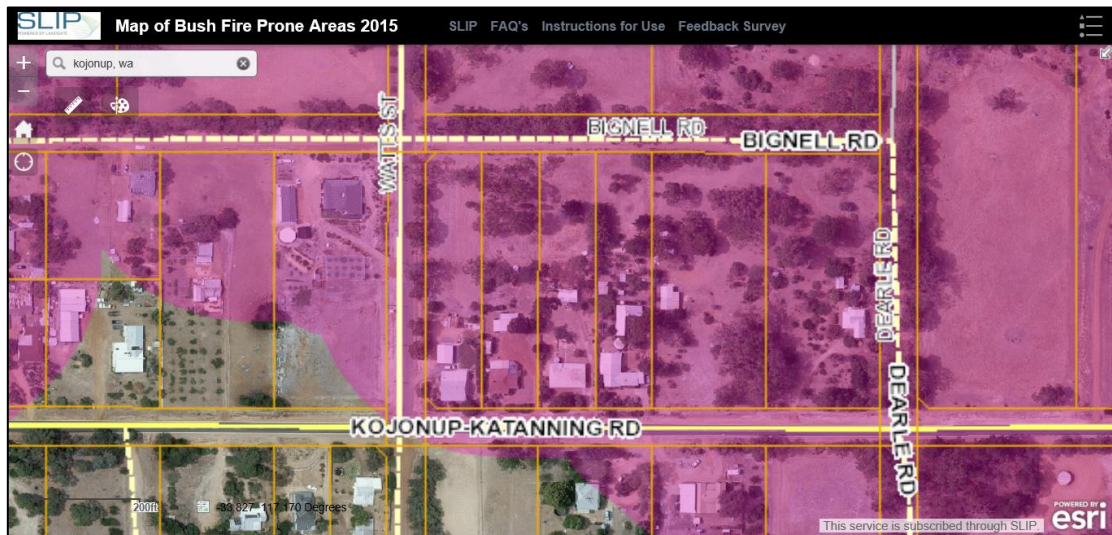
1 R- Code	2 Dwelling Type	3 Min site area per dwelling (m ²)	4 Min lot area/rear battlexe (m ²)	5 Min frontage (m)	6 Open space		7 Minimum setbacks (m)		
					Min total (% of site)	Min outdoor living (m ²)	Primary street	Secondary street	Other / rear
R10	Single house	Min 875 Av 1000	925	20	60	n/a	7.5	3	*/ 6

* means see Tables 2a and 2B and Clause 5.1.3

The position of the relocated transportable dwelling will exceed the minimum setbacks required. The existing shed to be extended also exceeds the 1.5m minimum side setback required (it is 4m).

Bushfire Planning

The proposed site for the dwelling and other improvements are within the DFES bushfire prone area mapping for the property (see below).



DFES Bush Fire Prone Mapping showing Lot 77

The dwelling, shed extension and other improvements are considered to be habitable buildings (Classes 1A – carport and 10 – shed) and are required to comply with SPP 3.7 Planning in Bushfire Prone Areas and AS3959 Construction of buildings in bushfire-prone areas. The construction of the buildings shall incorporate a bushfire protection zone of 20m-wide low fuel area around the structures. Other requirements may be applied in the Building Permit from AS3959.

The applicant has submitted a Bushfire Attack Level (BAL) Certificate advising the lot has a BAL of 12.5.

Matters to be considered

The Scheme (c.6.3.2) requires the Council have regard to a number of relevant matters which are discussed below in considering whether to approve/refuse the application.

Matter to be Considered	Response
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	The proposed development of the relocated transportable dwelling and other improvements is consistent with the aims and provisions of TPS3 for the development of residential development zoned land.
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;	The proposed development is consistent with the orderly and proper planning of the area.

(c) any approved State planning policy;	The proposed development is consistent with the aims and provisions of the following SPP: 3.7 Planning in Bushfire Prone Areas
(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	The proposed developments are consistent with other dwellings and shed buildings in the area. The height, bulk and scale are also consistent with other buildings. The buildings will not directly overlook any adjoining properties.
(n) the amenity of the locality including the following- (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;	The proposal is not expected to have a negative impact on the amenity of the locality.
(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;	The proposal includes connection to existing on-site effluent disposal and wind turbine for personal power generation. The dwelling and shed should be designed to collect the clean rainwater from the roof for storage and reuse on the property.
(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;	No clearing of any trees/shrubs is mentioned in the application and no additional landscaping is considered necessary in this instance.
(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;	The site is not known to be affected by any natural hazard including flood, subsidence, erosion etc. The property is within the DFES bushfire prone mapping and will need to incorporate certain measures including low fuel zone and construction to comply with AS3959 and meet the requirements of the Shire's Fire Notice including the installation and maintenance of firebreaks.
(s) the adequacy of - (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;	No changes to the existing access/egress are proposed in the application.

<p><i>c.78E.(1) of the Planning and Development (Local Planning Schemes) Amendment Regulations 2015</i></p> <p>In considering an application for development approval for development to which this Part applies, the local government is to have regard to the bushfire resistant construction requirements of the Building Code.</p>	<p>See (q) above.</p>
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The Council has a number of options available to it, which are discussed below:

1 Not approve the proposal

The Council can choose to refuse to approve the proposal and advise the proponent giving reasons. If this option was chosen, the buildings would not be able to be constructed.

2 Approve the proposal

The Council can choose to approve the proposal, with or without conditions.

3 Defer the proposal

The Council can choose to defer the matter for a period of time and seek additional information from the proponents, if deemed necessary to complete the assessment, before proceeding to make a decision.

This is a discretionary decision and the applicant has a right to request a review of any decision and/or condition made by the Local Government to the State Administrative Tribunal if aggrieved by the decision and/or any condition.

CONSULTATION

Nil undertaken.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

There are no policies applying to this report.

FINANCIAL IMPLICATIONS

The applicant has paid the planning application fee of \$256 as set out in the adopted 2015/2016 Schedule of Fees and Charges.

STRATEGIC/CORPORATE IMPLICATIONS

The item is not covered in the Community Strategic Plan 2013 – 2023 or the Corporate Business Plan 2013 – 2017.

RISK MANAGEMENT IMPLICATIONS

The item covers several risk areas to Council including strategy and planning, community, environment and heritage, legal and political and services and functions. The organisational risk and proposed treatment or mitigation is summarised in the following table:

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
Council does not grant development approval for the transportable dwelling and other improvements	Unlikely	Minor	Low	Manage by routine procedures, unlikely to need specific application of resources. Grant development approval subject to conditions

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION/OFFICER RECOMMENDATION

63/16 Moved Cr Pritchard, seconded Cr Hobbs that Council grant development approval for the relocated transportable dwelling and proposed addition, 6m x 6m extension to the existing shed, carport/patio area, 4m tall flagpole and personal wind turbine and 3m x 3m observation deck (3m above ground) on Lot 77 Kojonup-Katanning Road, Kojonup subject to the following conditions:

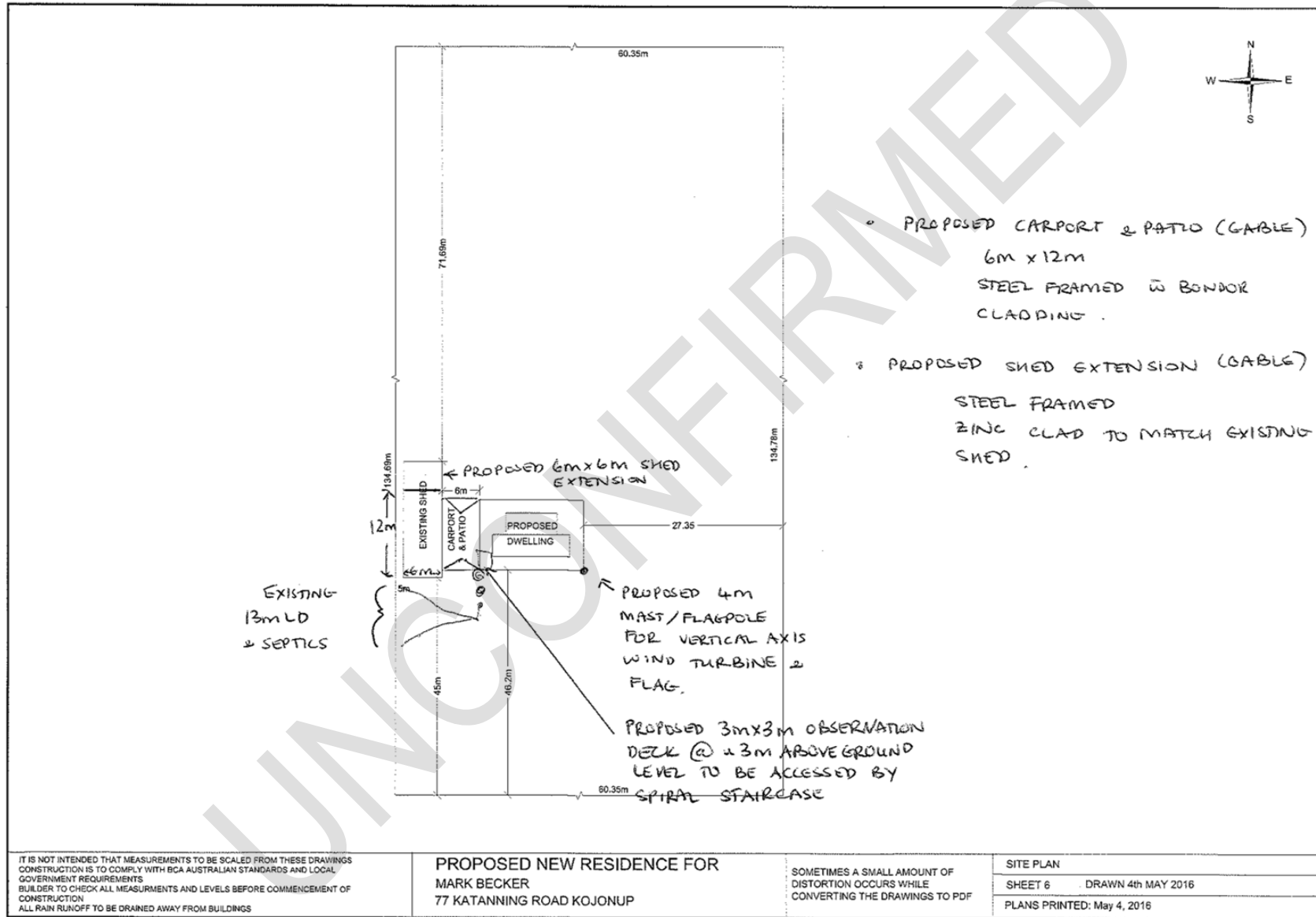
- 1) The development to be generally in accordance with the stamped approved plans unless a variation has been approved by the Chief Executive Officer;**
- 2) The applicant to submit a schedule of colours and finishes for the proposed relocated transportable for approval by the Chief Executive Officer;**
- 3) The dwelling to be connected to the Water Corporation reticulated water supply;**
- 4) The dwelling to be connected to an approved on-site effluent disposal system to the satisfaction of the Environmental Health Officer; and**
- 5) Stormwater to be collected and disposed of on-site or discharged off-site to the satisfaction of the Shire of Kojonup.**

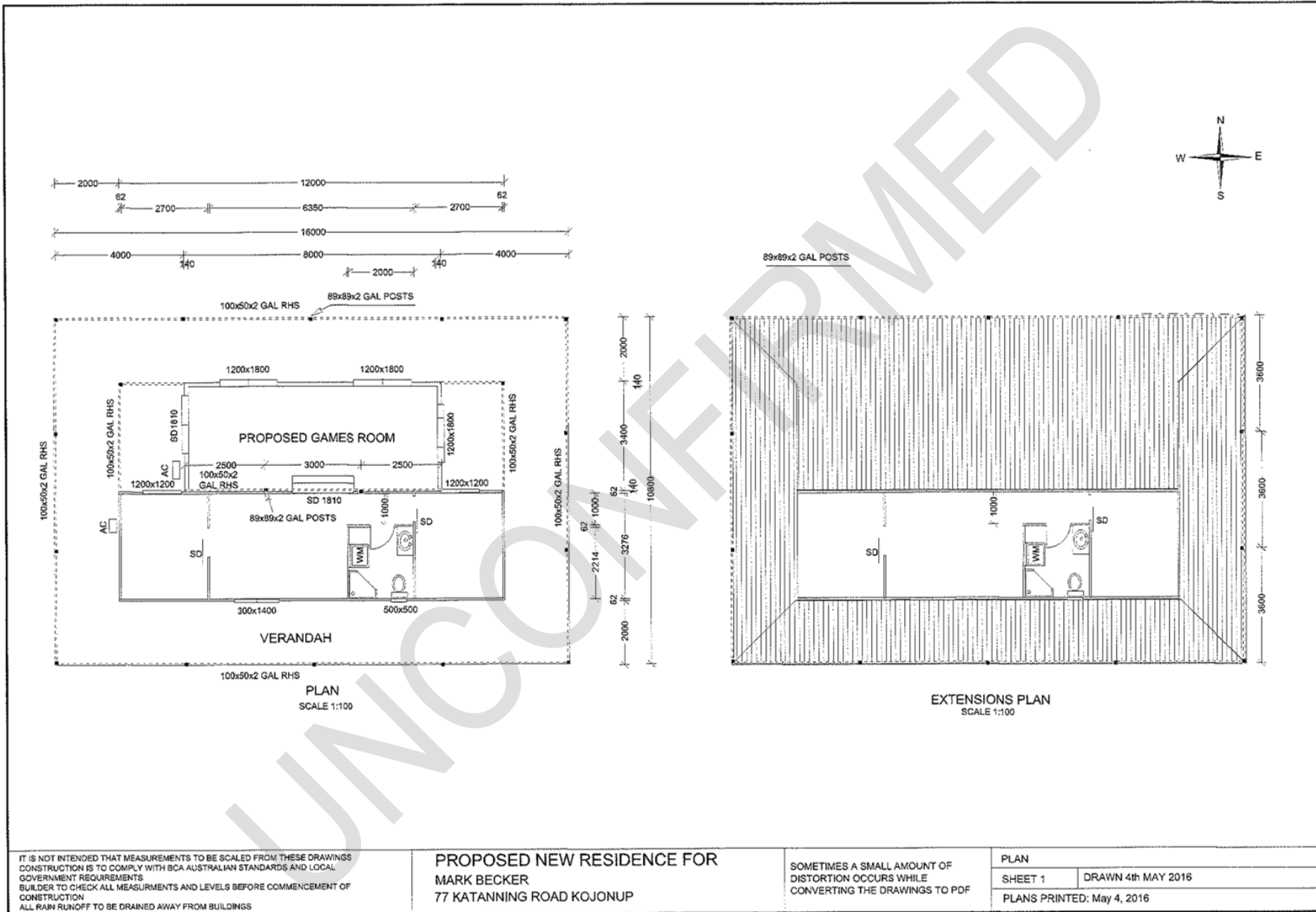
Advise Notes:

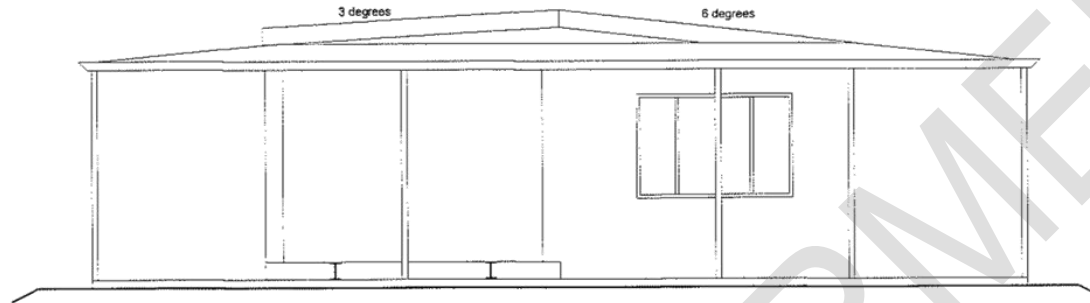
- 1) You are required to obtain a Building Permit prior to any construction activity commencing.*
- 2) Your property is within a bush fire prone area designated by the Department of Fire and Emergency Services and certain construction requirements will apply to the construction of the buildings.*

CARRIED 7/0

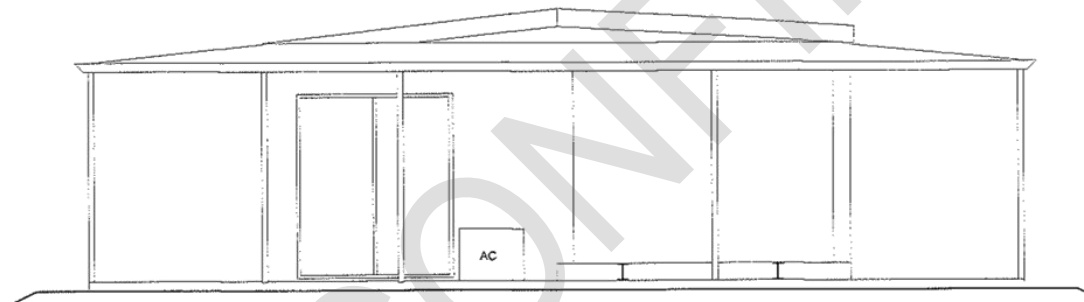
Attachment 12.3







EASTERN ELEVATION (RIGHT)
SCALE 1:50



WESTERN ELEVATION (LEFT)
SCALE 1:50

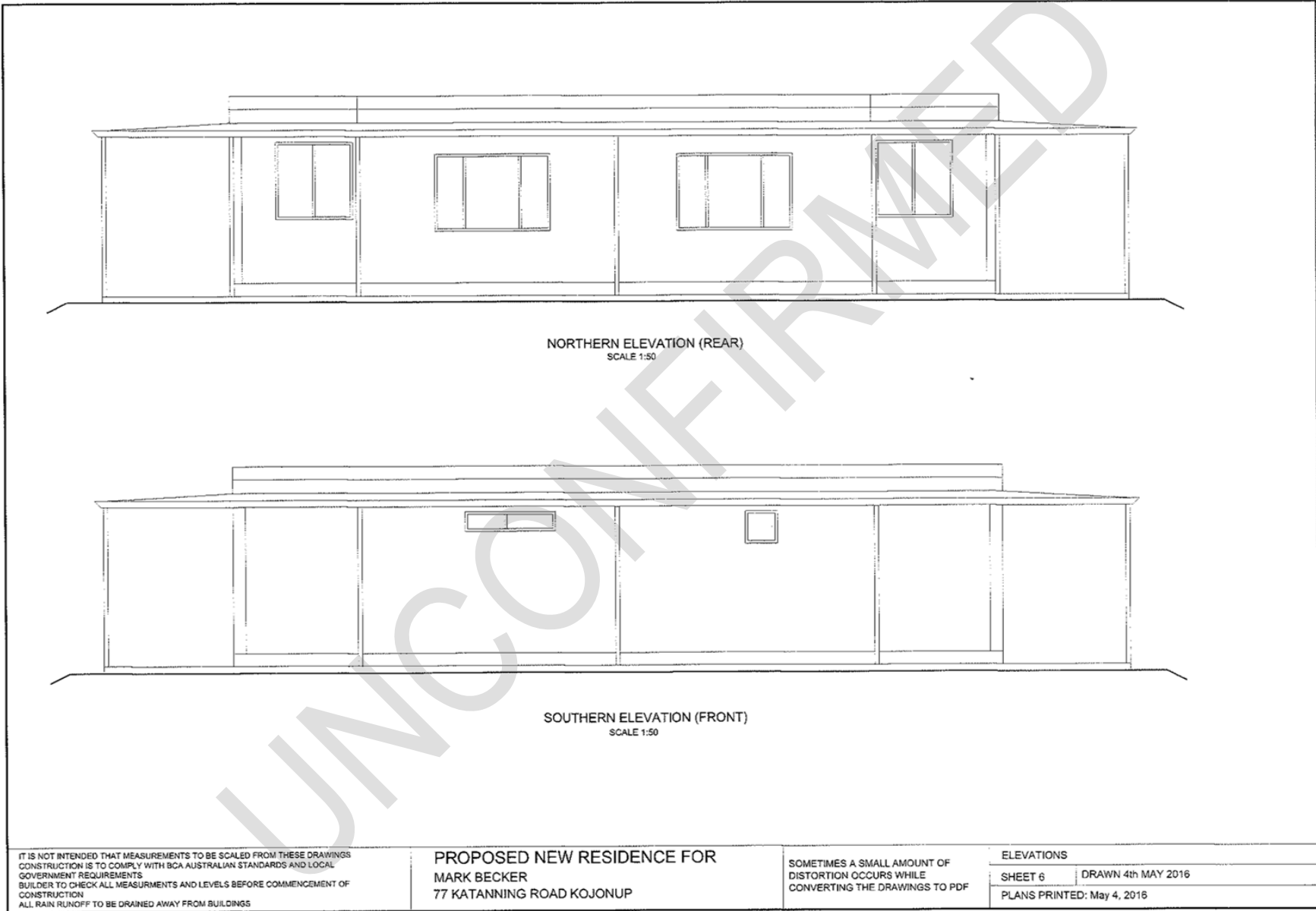
IT IS NOT INTENDED THAT MEASUREMENTS TO BE SCALED FROM THESE DRAWINGS
CONSTRUCTION IS TO COMPLY WITH BCA AUSTRALIAN STANDARDS AND LOCAL
GOVERNMENT REQUIREMENTS
BUILDER TO CHECK ALL MEASUREMENTS AND LEVELS BEFORE COMMENCEMENT OF
CONSTRUCTION
ALL RAIN RUNOFF TO BE DRAINED AWAY FROM BUILDINGS

PROPOSED NEW RESIDENCE FOR
MARK BECKER
77 KATANNING ROAD KOJONUP

SOMETIMES A SMALL AMOUNT OF
DISTORTION OCCURS WHILE
CONVERTING THE DRAWINGS TO PDF

ELEVATIONS

SHEET 2	DRAWN 4th MAY 2016
PLANS PRINTED: May 4, 2016	



12.4 DRAFT MUNICIPAL INVENTORY – SUBMISSIONS

AUTHOR: Phil Shephard – Town Planner
DATE: Monday, 9 May 2016
FILE NO: LP.PRG.1
ATTACHMENT: 12.4 Submissions

DECLARATION OF INTEREST

Nil.

SUMMARY

The draft Municipal Inventory has now been referred to affected landowners and advertised for public submissions.

At the conclusion of the 3 month advertising period a total of 4 submissions have been received for Council to consider.

BACKGROUND

Council at its December 2014 meeting (Resolution 201/14) resolved to appoint Helen Munt (Heritage and Interpretation Consultant) to undertake a review of the Shire's existing 1997 Municipal Heritage Inventory and form a Municipal Inventory Project Steering Committee to assist the consultant during the review process.

Council at its 17 February 2015 meeting (Resolution 17/15) appointed Hugh Carder, Kath Mathwin, Arnold Bilney, Arthur Collins and Geoff McKenney as community members on the Review of Municipal Heritage Inventory Project Steering Committee. Council previously had appointed Cr Frank Pritchard and Cr Jane Trethowan (retired from Council in October 2015) as members and Cr Sexton and Cr Mathwin as proxy members to the Municipal Inventory Project Steering Committee.

Council at its 14 December 2015 meeting (Resolution 199/15) elected to adopt the draft Municipal Inventory and advertise it for 3 months including referring individual nominations from the draft Municipal Inventory directly to all affected landowners with an opportunity to meet staff and the Heritage and Interpretation Consultant to discuss the nomination, prepare a simple photocopy information brochure, publicise the draft Municipal Inventory on the Shire's notice board, website, E-news, local newspaper and Great Southern Herald newspaper and hold a public meeting during the advertising period with the Heritage and Interpretation Consultant in attendance to provide information on heritage listings and provide advice/feedback to affected landowners

COMMENT

There were a small number of submissions received at the close of the submission period (29 April 2016), all from landowners of properties to be included within the Municipal Inventory.

These submissions are discussed below:

Submission 1 Alan Egerton-Warburton

“Yeenyellup”

Inherit Database Place No. 10614

Comments that:

- Location section should refer to 9km from Blackwood Road turnoff.

- Other names section should include Eeniellup and (Wanjaberin – once a separate farm).
- Statement of Significance and History should include ‘the farm is now run by granddaughter of John and Celia Egerton-Warburton, Rachael Egerton-Warburton and her husband Andrew Plowman.’

Officer Comment:

The additional information should be included in the place as requested as it adds to the story of the place.

Submission 1 Recommendation

That Council request the Heritage Consultant to include the additional information within the listing for “Yeenyellup” in the Municipal Inventory.

Submission 2 Gail Sampson

“Old Kojonup Post and Telegraph House”

Inherit Database Place No. 10598



(Old Kojonup Post and Telegraph House)

Comments that:

- Pleased with Council’s approach to retain buildings of historic significance.
- Have endeavoured to renovate the building sympathetically and advise the building has 3 sections not 2.
- Provide details on the construction of each section and building condition and advice on plans for further renovations.
- Include details relating to the garden and types of plants.
- Consider the complete building has some significance only, rather than considerable significance as recommended and that only Section 1 (Post and Telegraph House) could be considered to have considerable heritage value.

Officer Comment:

The submission supports the heritage listing of the place. The listing advises the place has aesthetic, historical and social significance to the community, as the house which was

constructed around 1888 served as the site of the second post and telegraph office in Kojonup between 1888-1896 and was occupied by Louisa Roe, a well-known post mistress. The difference between considerable and some significance categories are as follows:

Category	Statement
Considerable	High level of protection appropriate: provide maximum encouragement to the owner under the Town Planning Scheme to conserve the significance of the place.
Some	Significant but not essential to an understanding of the history of the district; photographically record the place prior to any major redevelopment or demolition.

Those places with considerable significance are generally not included within the State Register of Heritage Places, however they are considered to have a high level of local significance to the community and are ordinarily protected under the Planning Scheme. Those places with only some significance are considered to be significant but not essential to the historic understanding of the district and have often had substantial modifications over time.

The change from considerable significance category to some significance for the later portions of the dwelling are supported with the retention of the considerable significance for the early (Section 1) constructed part of the dwelling.

Submission 2 Recommendation

That Council request the Heritage Consultant to modify the listing for the Old Kojonup Post and Telegraph House to include the additional information within the condition section of the listing and ensure the considerable significance category only applies to the original (Section 1) part of the house in the Municipal Inventory.

Submission 3 Dianne Gardner

“Cartwright’s House”

Inherit Database Place No. 10576



(Cartwright’s House)

Comments that:

- Was surprised and concerned when advised that the house was included on the Heritage Inventory.
- Attended the public meeting and was pleased to discover that the house only had some significance.
- Purchased the house in 2006 and was advised that the building was the old National bank building and because it had been moved, modified and extended there was no heritage listing. The plan was to demolish the dwelling into the future and build 2 residential units.
- Is concerned with the proposed listing and seeks written assurance from the Shire the proposed listing will not affect these future plans and will simply form part of the Kojonup story.

Officer Comment:

The submission conditionally supports the heritage listing of the place subject to the listing not preventing future plans to demolish the dwelling and construct 2 new dwelling units on the site. The listing advises the place has historical significance to the community, as the house was originally transported to Kojonup from the Kalgoorlie goldfields around 1912-13 and used as the National bank, situated on Lot Pt. 82 Albany Highway (the first bank in Kojonup). The Cartwright's purchased the building on 1936 and moved it to McHenry Street for use as their dwelling.

The description of some significance category is as follows:

Category	Statement
Some	Significant but not essential to an understanding of the history of the district; photographically record the place prior to any major redevelopment or demolition.

Those places with only some significance are considered to be significant but not essential to the historic understanding of the district and have often had substantial modifications over time. The demolition of the building would not be prevented by this category and ideally a record of the place would be completed for recording purposes prior to its demolition.

Submission 3 Recommendation

That Council advise the landowner that the proposed some significance category under the Municipal Inventory will not prevent the demolition of the existing Cartwright's House into the future. The Council would request that prior to any demolition that the landowner provide a photographic record of the place to be kept with the Inventory.

Submission 4 James Eyres

“Doreenup Homestead and Shearing Shed”

Inherit Database Place No’s 10579, 24477 & 24533



(Doreenup Homestead)



(Doreenup Shearing Shed)

Comments that:

- Requests that the homestead and shearing shed be listed separately on the heritage survey and request further consultation when a management category has been established.
- Do not want the buildings to be included on the Town Planning Scheme Heritage List.
- Advise the homestead remains a main residence and may need to be renovated or expanded in the future.

- Advise the shearing shed is still fully utilised and may need to be renovated or maintained to meet industry standards.
- Both buildings will continue to be used and the owners are happy to provide additional details and photographs for the Shire records.
- Are happy to work with Council to achieve recognition of the buildings' heritage and that does not prevent the continued use and any works necessary to ensure they remain suitable for use as a residence and shearing shed.

Officer Comment:

The submission does not support the heritage listing of the places. It does support the recording of the places contribution to the heritage story of Kojonup. The submitters seem mainly concerned that any heritage listing by the Shire may prevent the undertaking of building renovations or modifications to the homestead or shearing shed which are still used as stated in the submission.

The separate listing of the places does not appear problematic. The listing advises the homestead has architectural and historical significance to the community constructed in 1910 by Mr Wigglesworth and remains a well preserved example of early twentieth century rural homesteads. The additions completed c.1992 are sympathetic and in keeping with the original building.

The listing advises the shearing shed is one of the few original shearing sheds in the Kojonup area and still remains in use.

The homestead and shearing shed buildings are proposed to have a considerable significance category as follows:

Category	Statement
Considerable	High level of protection appropriate: provide maximum encouragement to the owner under the Town Planning Scheme to conserve the significance of the place.

Those places with considerable significance are generally not included within the State Register of Heritage Places, however they are considered to have a high level of local significance to the community and are ordinarily protected under the Planning Scheme.

Given the reasons the homestead and shearing shed buildings are included in the heritage inventory is based on their built heritage and continued use over many years on the farm, ideally the places would retain their considerable significance category within the Municipal Inventory (the heritage story). The Council, will as part of a separate report in the future, consider any listing and formal protection under the Planning Scheme. The inclusion in the Municipal Inventory does not by itself place any additional requirements on a landowner other than those normal planning requirements that may apply.

Submission 4 Recommendation

That Council advise the landowner that:

- ***The homestead and shearing shed will be listed separately as requested.***
- ***The proposed considerable significance category under the Municipal Inventory will remain and will not prevent the future modification, extension or alteration to the homestead or shearing shed for their continued use.***
- ***The Council has not prepared a Heritage List as required under the new proposed Local Planning Scheme and will undertake additional consultation with the landowners should the places be considered for inclusion on that list.***

Conclusion

No submissions objecting to the heritage survey were received and most were supportive of the places contribution to the cultural heritage of Kojonup. As the submissions did not contain any comments that disputed or contradicted the information or the Consultant's/Project Steering Committee's recommendations, the submissions have not been reported to or considered by them. The members will be advised of the submissions and outcomes of this meeting and thanked for their contribution to the review.

The Ranger has now completed the digital photographing of the places for inclusion in the database and a map showing the location of the places is also being developed using GPS data and will be included in the final document.

The creation of the Heritage List required under the new Planning Scheme will be progressed by staff later this year.

Alternate Options

The Council has a number of options available to it, which are discussed below:

1 Not approve the Municipal Inventory

The Council can choose to not approve the final Inventory, in whole or part. If this option was chosen the Inventory would not be finalised and the Shire would remain in breach of the requirement to review Municipal Inventories every 4-years.

2 Approve the Municipal Inventory

The Council can approve the final Inventory as recommended, or make modifications.

3 Defer the proposal

The Council can choose to defer the matter for a period of time, and seek additional information including comment from the Project Steering Committee or others, if deemed necessary to complete the Inventory.

CONSULTATION

The draft Municipal Inventory was advertised for 3 months concluding on 29 April 2016 as follows:

- Individual nominations from draft Municipal Inventory referred directly to all affected landowners with an opportunity to meet staff and the Heritage and Interpretation Consultant to discuss the nomination;
- Information brochure produced for distribution;
- Publicise the draft Municipal Inventory on the Shire's notice board, website, E-news, local newspaper and Great Southern Herald newspaper; and
- Undertook a public meeting with the Heritage and Interpretation Consultant in attendance to provide information on heritage listings and provide advice/feedback to affected landowners.

STATUTORY REQUIREMENTS

Heritage of Western Australia Act 1990 – the Act sets out the requirements for preparation and review of Municipal Inventories. The Act (s.45) requires the Shire of Kojonup to update the inventory annually and review it every 4-years after compilation.

POLICY IMPLICATIONS

There are no local planning policies affecting the proposal.

FINANCIAL IMPLICATIONS

The review project has been included within the adopted 2015/2016 Budget (Account 5954 Municipal Heritage Review).

STRATEGIC/CORPORATE IMPLICATIONS

This item is not covered in the Community Strategic Plan 2013 – 2023 or the Corporate Business Plan 2013 – 2017.

RISK MANAGEMENT IMPLICATIONS

The item covers several risk areas to Council including compliance and reputation. The organisational risk and proposed treatment or mitigation is summarised in the following table from the Shire's Risk Management Plan 2014:

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
Council does not support the final Municipal Inventory	Unlikely	Minor	Low	Manage by routine procedures, unlikely to need specific application of resources.

ASSET MANAGEMENT IMPLICATIONS

Nil applicable.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION/OFFICER RECOMMENDATION

64/16 Moved Cr Pritchard, seconded Cr Mathwin that Council:

- 1) Note the submissions, adopt the individual submission recommendations 1-4 in the report and provide a written response thanking the submitters for their submissions and outlining the Council's decision as set in the individual submission recommendations 1-4 in the report.**
- 2) Advise the Heritage Consultant of the required modifications and on completion of the modifications by the Heritage Consultant provide a copy of the modified listings to the submitters.**
- 3) Provide the Project Steering Committee members with advice on the submissions and outcomes and thank them for their contributions.**
- 4) Adopt the Municipal Inventory.**
- 5) Send a copy of the completed Municipal Inventory to the State Heritage Office for their records.**
- 6) Include the final Municipal Inventory on the Shire's website and publish details of it being finalised in local newspapers and on Shire notice board.**

CARRIED 7/0

3:47pm – The Town Planner departed from the Chamber.

Attachment 12.4

COPY

08 FEB 2016

13 8 0

SHIRE OF KOJONUP	
REC NO:	ICR21769.
X-REF:	CCR7044
FILE:	A5223
OFFICER:	TP.
CC'D	

Dear Sir,

Please find enclosed some attention to the writing for Yeanyelluk.

I have spoken to Miranda concerning this. Do not hesitate to contact me, should you or anyone else need to speak to me concerning this.

Yours

Alan Egerton - Director.

0438 336 249.

5 Feb 2016

Yeenyellup

AUTHOR Heritage Council PLACE NUMBER 10614

LOCATION:
Frankland Rd Kojonup

LOCATION DETAILS
9 km from Denny Brook turnoff, perhaps they mean Boyup Brook

OTHER NAME(S) *Blackwood Road*
Eenyellup *Eenie Hut*
Pardellup *(Wangaberrin - once a separate farm)*

LOCAL GOVERNMENT Kojonup REGION Great Southern
CONSTRUCTION DATE
Constructed in 1869

DEMOLITION YEAR N/A

Statutory Heritage Listings

TYPE	STATUS	DATE	DOCUMENTS
Heritage List	YES	09 Oct 1998	

Other Heritage Listings and Surveys

TYPE	STATUS	DATE	GRADING/MANAGEMENT CATEGORY
Municipal Inventory	Adopted	22 Sep 1987	
Municipal Inventory	Completed/Draft	03 Oct 2015	Considerable

Associations

NAME	TYPE	YEAR FROM	YEAR TO
Association 1800 to 1998	Previous Owner	1800	1998

Place Type

Individual Building or Group

Uses

EPOCH	GENERAL	SPECIFIC
Present Use	RESIDENTIAL	Single storey residence
Original Use	RESIDENTIAL	Single storey residence

Construction Materials

TYPE	GENERAL	SPECIFIC
Roof	METAL	Corrugated Iron
Wall	EARTH	Pise (Rammed Earth)

Historic Themes

GENERAL	SPECIFIC
DEMOGRAPHIC SETTLEMENT & MOBILITY	Settlements

Creation Date 17 Feb 1998 Last Update 22 Oct 2015 Publish place record online (inHerit): Approved

Disclaimer

This information is provided voluntarily as a public service. The information provided is made available in good faith and is derived from sources believed to be reliable and accurate. However, the information is provided

solely on the basis that readers will be responsible for making their own assessment of the matters discussed herein and are advised to verify all relevant representations, statements and information.

AUTHOR Shire of Kojonup

CONSTRUCTION DATE

Constructed in 1869

DEMOLITION YEAR

N/A

Statement of Significance

Yeenyellup has aesthetic, historical and social significance. It is significant as one of the oldest remaining residences in the district and it is associated with the van Zuilcom and Egerton-Warburton families, both of whom have made a major contribution to the district over the years. Yeenyellup was the home of Louis van Zuilcom, son of Captain Charles Loius van Zuilcom who died and was buried at Quanandrup. Louis' daughter married John (Jack) Egerton-Warburton in 1911, and they bought back Yeenyellup in 1926 after it had been out of the family since 1910. John Egerton-Warburton Jnr and his wife Celia took over the farm in 1945 when his parents retired to Albany, and the farm is now run by his son Allen Egerton-Warburton and his wife Cynthia.

Physical Description

granddaughter Rachel Egerton-Warburton and her husband Andrew Robinson.

The Yeenyellup Homestead, originally rammed earth, has undergone many changes over the years. In 1927 these included a new roof, plastering and brick cladding of external walls and brick extensions. Later some timber window frames were replaced with aluminium, and a second storey was added during the 1980's. The driveway into the Yeenyellup farmhouse circles around a cape lilac tree which is over 100 years old. Among many original shrubs in the beautifully manicured gardens is a Banksia Roses planted in the 1870's. The grape vines on the east end of the house were planted during the time of Louis van Zuilcom. Also on the property are two white mulberry trees, all that remain of the avenue of trees planted by Louis van Zuilcom to feed his silkworms. the silk obtained gave him a useful side income. A hard court for tennis is also situated in the gardens.

History

Yeenyellup was the home of Louis van Zuilcom, son of Captain Charles Loius van Zuilcom who died and was buried at Quanandrup. Louis' daughter married John (Jack) Egerton-Warburton in 1911, and they bought back Yeenyellup in 1926 after it had been out of the family since 1910. John Egerton-Warburton Jnr and his wife Celia took over the farm in 1945 when his parents retired to Albany, and the farm is now run by his son Allen Egerton-Warburton and his wife Cynthia. *(see above)*

Integrity/Authenticity

Some of the original fabric remains.

Condition

Good

Associations

NAME	TYPE	YEAR FROM	YEAR TO
Egerton-Warburton family	Owner	1911	-
Louis van Zuilcom	Original Owner	1869	-

Titles and Owners

RESERVE	LOT/LOCATION	PLAN/DIAGRAM	VOL/FOLIO
	Lot 7322		
OWNER	CATEGORY		

Chief Executive Office
Shire of Kojonup
93-95 Albany Highway,
Kojonup WA 6395

Dear Sir or Madam:

As one of the current owners of 126 Albany Highway Kojonup, I am pleased to know the Council understands the need to retain buildings of historic significance.

Since our purchase of this property we have endeavoured to renovate the building sympathetically.

The building is in 3 sections not two.

The first section (The Post and Telegraph House) is constructed rendered bricks with an added verandah, which is, as you believe of considerable heritage value. The original verandah appears to have been constructed with timber flooring and we intend to return it to this state very soon.

The second section, at a lower level, appears to be of fibro construction however it is obvious when viewed from the interior that the original building was of corrugated metal. A fibro veneer now covers it. The original wooden windows have been replaced at some stage prior to our owning the building with aluminium window frames. We have begun to replace these aluminium window frames matching the replacements to the wooden frames in the front section. This section consists of a kitchen living area and a bedroom.

The third section contains the bathroom, laundry and toilet, which are at a lower level again and poorly constructed. This section is attached to the rear of the building under a separate roof and is in need of a major renovation or replacement. The pad on which it has been built is constructed of gravel covered with a thin layer of concrete that is fretting and the exterior walls are badly deteriorated.

We plan to upgrade this section to include a modern bathroom, laundry and main bedroom bringing the pad up to the level of the second section. All exterior walls would be returned to corrugated metal as per our understanding of the original building.

The fruit trees mentioned in the description are fig trees in the front garden, a large olive tree, a peach tree, a grove of pear trees of various types, and 2 grape vines in the rear section and an apple tree adjacent to Clarke Street. Recently added are a cherry, lemon and lime. These trees have been pruned and maintained by us. We believe the previous Italian owners of the property planted some of these. There is the remains of an olive/grape press in the back yard.

As a complete building however, we consider 126 Albany Highway to be of **Some Significance** as conservation of the piece in whole or part is desirable.

The Post and Telegraph House is the only section which could be considered as having considerable Heritage value.

Regards

Gail Sampson
95 Carawatha Avenue
Mount Nasura 6112

SHIRE OF KOJONUP				
REC NO:	10221989.			
X-REF:	NCR1595.			
FILE:	A6262.			
OFFICER:	TP			
CC'D				

08 MAR 2016

Ida Vale **COPY**
RMB 609
Kojonup WA

3rd March 2016

Attention Phil Shephard

Dear Phil

On 17th February 2016 I attended the Heritage Inventory Meeting due to the fact I was very surprised and most concerned to receive a letter in the mail stating my house at 8 McHenry St, Kojonup, was being included on the Heritage Inventory List. I was not sure what this entailed, but was pleased to learn more at the meeting about the category, "Some", under which my house has been listed.

In 2006 I purchased the property and was told by the agent, that the ailing house, was the old National Bank building, and because it had been moved, modified and extended, was assured it was not under any heritage listing. With this in mind, my future plan of developing the property by demolishing the old house and possibly building two new houses, was certain to give me security and a place to live in my retirement.

I am still concerned about this listing and would appreciate some form of documentation stating the exact status of what I can, or cannot do with this property now, and particularly in the future.

I hope that if this house is put on the future Heritage Inventory List, that it becomes just part of the "Kojonup Story", and my future security and plans will not be jeopardised.

Yours sincerely,



Dianne Gardner

Phil & Genya Shephard

From: Miranda Wallace <ea@kojonup.wa.gov.au>
Sent: Wednesday, 30 March 2016 8:43 AM
To: 'jameseyres1@gmail.com'
Cc: 'Phil & Genya Shephard'
Subject: RE: ICR21967 - Fwd: Draft Heritage Inventory Listing re: Doreenup

Good Morning James,

Thank you for your email. I have recorded it within our electronic system and it has been forwarded by our CEO, Rick Mitchell-Collins, to Phil Shephard, our Town Planner who is coordinating the Draft Heritage Inventory review with Helen Munt as you know. Phil or Helen will be in touch with you as required. If you have any further queries, please let me know. Thank you.

Kind Regards,

Miranda Wallace
Executive Assistant
SHIRE OF KOJONUP

93 Albany Highway Kojonup WA 6395 | PO Box 163 Kojonup WA 6395
Tel: 9831 2408 | Fax: 9831 1566 | www.kojonup.wa.gov.au



FOR RECIPIENTS EXTERNAL TO THE SHIRE OF KOJONUP

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From: James Eyres <jameseyres1@gmail.com>
Date: 29 March 2016 10:19:06 am AEDT
To: <ceo@kojonup.wa.gov.au>
Subject: Draft Heritage Inventory Listing re: Doreenup

To Rick Mitchell-Collins,

My name is James Eyres and I am writing on behalf of my family in relation to the "Shire of Kojonup Draft Heritage Inventory Listing".

After meeting with Phil Shephard and Helen Munt on 17/2/16 we would like to put forward the following submission.

We propose that the Doreenup Homestead and the Doreenup Shearing Shed be listed separately on the Kojonup Heritage Survey. When a Management Category list has been established for the "Survey" we would be happy to discuss it with the relevant parties.

We would like not to be included on the Town Planning Scheme Heritage list.

The Homestead remains one of the main residences on the farm and as

such may need to be renovated or expanded in the future to keep with modern standards.

The Shearing Shed is still fully utilised and may need to be renovated and or maintained to suit industry needs.

Our intentions are to continue to utilise both these historical buildings and we would be happy to provide additional information on the buildings and also some historical photos to add to the data base.

We look forward to working with the council to reach an acceptable outcome that recognises the heritage of the buildings and that does not prevent us from undertaking those works necessary to ensure they remain suitable for our continued use as residence and shearing shed.

Kind Regards

James Eyres

"Doreenup"
Kojonup

04298833458

13 **EXECUTIVE & GOVERNANCE REPORTS**

13.1 KOJONUP TOURIST RAILWAY – VARIATION OF ACCREDITATION

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Friday, 6 May 2016
FILE NO: RC.MUS.4
ATTACHMENT: 13.1 Technical Compliance Inspection Report 25 Feb 2016

DECLARATION OF INTEREST

Cr Radford in his capacity as President of Kojonup Tourist Railway Inc.(KTR) and Cr Hobbs in his capacity as a committee member of the Association.

SUMMARY

To ascertain the Shire of Kojonup's continued accreditation status of the Tourist Railway from Kojonup to Farrar Reserve given correspondence, reports and discussions held with the Branch Director – Office of the National Rail Safety Regulator (ONRSR) – Mr Peter Cumming, Manager, Accreditation – Mr Paul Butler and Manager Audit and Inspection – Mr Richard Linney.

BACKGROUND

Council at its meeting held 22 October 2015 made the following decision:

“...that Council:

- 1. Note and receive the notice of approval regarding a variation of the accreditation of the Kojonup Tourist Railway Inc. (KTR) to extend passenger operations beyond Denny Road to Farrar.*
- 2. Ensure that the Kojonup Tourist Railway Inc. (KTR) comply at all times with the accreditation and undertake works listed in the technical report prepared by the Office of Rail Safety.*

Mr Cumming wrote to Council on 11 April 2016 regarding the management of the KTR:

Following the passing of the Rail Safety National Law (WA) Act 2015 in November 2015, the Western Australia branch of the Office of the National Rail Safety Regulator (ONRSR) commenced operations. The ONRRS has conducted a review of all Western Australian Notices of Accreditation for rail operations to reflect the new law and provide national consistency.

The notice of accreditation for the Shire of Kojonup (Kojonup Tourist Railway) has proved problematic. It was issued on 22 September 2015 by the former Office of Rail Safety following an application for variation to the operations from Denny Road to Farrar siding. Permission was granted on the proviso that seven special conditions relating to track condition improvements were completed within 6 months of the notice being issued.

The notice also raises questions over who should be the accredited person, the Shire of Kojonup or the volunteer group, Kojonup Tourist Railway Inc. As a result of the inconsistencies in the notice and the special conditions in place, this office conducted a site visit to investigate these matters.

During this visit an initial inspection of the rail corridor revealed that the rail infrastructure is in poor condition. On 25 February 2016, I arranged for a technical assessment of the condition of the infrastructure. In general terms the track is in poor condition and several

safety and amenity issues exist that have not been resolved. A report of the assessment is enclosed for your consideration.

My initial enquiries have satisfied me of the following:

- The Shire of Kojonup is the accredited person and as such is accountable for the activities carried out by Kojonup Tourist Railway Inc. under this accreditation*
- The conditions relating to the rectification of track condition issues from Denny Road to Farrar Siding included in the notice of accreditation issued by the Office of Rail Safety on 22 September 2015 have not been satisfied within the prescribed timeframe of 6 months*
- The Shire of Kojonup is accountable for the provision of a road rail safety interface agreement and the maintenance of all public road crossings including signage and road markings on the rail corridor.*

It is now necessary to rewrite the notice of accreditation to reflect the responsibilities of the accredited person, redefine the area of operation and remove conditions that have not been met. I enclose a draft copy of the proposed notice for your review. I ask the council consent to the removal of the geographic area from Denny Road to Farrar siding from the notice.

This is an opportune time for the Shire of Kojonup to consider options in respect of its position as the accredited body with effective management control of the Kojonup Tourist Railway.

Should the Shire wish to maintain the accreditation there is an immediate need to determine effective governance arrangements for the Kojonup Tourist Railway Inc. volunteer group and develop a robust plan for the rectification of track condition issues that is timely and can be independently assessed as fit for purpose. Public road crossings of the rail reserve would also need to be adequately signed and marked.

Alternatively, the Shire of Kojonup may wish to surrender accreditation for the Kojonup Tourist Railway. This office would then assess any application for accreditation received by the volunteer group as a new application under the Rail Safety National Law (WA) Act 2015 and address the safety issues with the new applicant.

I would appreciate your response by 29 May 2016 to these issues.

COMMENT

The October 2015 Agenda Report and Decision 166/15 emphasised the importance of compliance with the Accreditation and that KTR undertake works listed in the technical report as it is providing a tourist activity for the general public and the consequences of non-compliance may result in legal action being taken against KTR, Shire of Kojonup and individuals for breach of conditions.

Council should also note that any reference to KTR includes the Shire of Kojonup as it is the entity that is registered by the Management Order and also the primary name listed in accreditation documentation. As such the Shire has a “Duty of Care” to ensure not only the railway line but also the railway reserve, rolling stock and operational procedures of KTR remain compliant.

The ONRSR undertook a track inspection as outlined in the Technical Compliance Inspection Report dated 25 February 2016 resulting in the following conclusions:

“Main issues of concern post Technical Inspection:

- *KTR are unable to demonstrate (structural reports) that the timber bridges are safe for the passage of their rolling stock.*
- *Level crossings remain to be active despite the deficiency in signage on approaches which poses a risk to the general public and road vehicles when KTR are operating the service.*
- *KTR were not able to produce engineering maintenance standards for the track infrastructure and Rolling stock. These would be expected to be specific to the operation, taking into account the frequency and type of operation that is run at Kojonup and detail the maintenance tolerances for the track, frequency of inspection and rectification methodology.*
- *Actions raised by the Office of Rail Safety technical inspection in September 2015 i.e. immediate actions, follow up action after opening to traffic, Medium Term and longer term actions, do not appear to have been addressed or planned. KTR’s current deficiency in qualified volunteers suggests the ability to carry out these actions is not currently viable.”*

The ONRSR wish to rewrite the notice of accreditation to reflect the responsibilities of the accredited person, redefine the area of operation and remove conditions that have not been met. If the Shire wishes to retain accreditation it will be directly responsible to the Office of National Rail Safety (not KTR) for rectifying line, bridge, operational, etc. non-compliances.

KTR (not the Shire) has operated the Tourist Railway and it was the KTR via its members that extended the line to Farrar Reserve with Council’s knowledge and understanding that KTR comply at all times with the regulators requirements. As such it then follows that the Shire surrender accreditation and that the Kojonup Tourist Railway Inc. apply for accreditation under the *Rail Safety National Law (WA) Act 2015*.

CONSULTATION

Office of National Rail Safety
Kojonup Tourist Railway Inc.
Council Briefing Session – 19 April 2016

STATUTORY REQUIREMENTS

Rail Safety National Law (WA) Act 2015
Local Government Act 1995 – Division 2, Subdivision 2(Committees)
Department of Lands – Management Order Reserve 51700 registered 31 October 2014 (XE M813123)

POLICY IMPLICATIONS

No formal policy, lease or agreement other than the Management Order with the Department of Lands presently exists, however Council at the 21 July 2015 meeting; Decision 112/15 identified the need to develop an overall plan for the railway heritage precinct which should now include the railway reserve to Farrar.

FINANCIAL IMPLICATIONS

There is no provision for Asset Replacement of Rolling stock, Line Infrastructure or Buildings despite the Railway Station being included on the Municipal Heritage List. It appears that upon the granting of the “Kojonup-Farrar Railway Order 2002” Council effectively passed responsibility onto the KTR to operate and undertake activities and

maintain facilities. To undertake an assessment of bridges an outlay of \$2,800 exc. GST will be required. Council has not made any budget provision for this amount.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023

Outcomes:

- S2 – Staying Active and Entertained
- G1 – Being Well Governed

Corporate Business Plan 2013 – 2017

Objectives:

- S2.1 – Promote Kojonup as a place to live and visit
- G1.2 – Maintain a structured forward planning process in accordance with legislation and community aspirations

RISK MANAGEMENT IMPLICATIONS

The likelihood of the Train and carriages derailing may be low however the consequences of injury to the public are extreme resulting in the Shire (as the present accredited person) being sued for non-compliance. Council should not place itself in such a position, yet it has by placing its trust in a not-for-profit organization (namely KTR) to comply which does not have the qualified skillsets to meet the new National Law.

ASSET MANAGEMENT IMPLICATIONS

Should KTR cease to exist is Council prepared to accept responsibility for the rail line to Farrar or indeed maintain and operate the existing activities/operations given that ownership of rolling stock would be vested in KTR or a like organisation?

VOTING REQUIREMENTS

Simple Majority

3:48pm – Cr Hobbs declared an interest as he is a member of the Kojonup Tourist Railway Inc. Committee and departed the Chamber.

OFFICER RECOMMENDATION

That Council:

1. Notify the Office of National Rail Safety Regulator that it wishes to surrender accreditation for the Kojonup Tourist Railway; and
2. Advise the Kojonup Tourist Railway Inc. that if it wishes to continue operation of the Tourist Railway it should apply for accreditation under the *Rail Safety National Law (WA) Act 2015*, and in doing so, address the safety issues raised by the Office of National Rail Safety Regulator as an immediate priority.

COUNCIL DECISION

65/16 Moved Cr Pritchard, seconded Cr Sexton that Council:

- 1) Notify the Office of National Rail Safety Regulator that it wishes to retain the existing accreditation of the railway line for that section of line from the Kojonup Station at Benn Parade to Denney Road Siding including the turntable;**
- 2) Undertake with the assistance of the Kojonup Tourist Railway Inc., Consulting Engineers and Council staff the preparation of engineering, safety and governance standards necessary to address the issues identified in the Technical Compliance Inspection Report dated 25 February 2016 for the above section of railway line; and**
- 3) Work with key stakeholders such as the Kojonup Tourist Railway Inc. to prepare a development plan, necessary governance arrangements including cost/benefit analysis, risk management plan, standard operating procedures, etc. as required by the Office of National Rail Safety Regulator for the balance section of railway line from the Denney Road turntable to Farrar Reserve for possible future accreditation.**

CARRIED 6/0

REASON FOR CHANGE: Council wishes to retain and preserve the current accreditation it holds from Kojonup to Denney Road Siding and to work with the Kojonup Tourist Railway Inc. to ensure that the aforementioned section is compliant whilst developing a strategy for ultimately obtaining accreditation for the section of the railway line from Denney Road Siding to Farrar Reserve Siding.

4:14pm - Cr Hobbs returned to the Chamber.

13.2 NRM – SOUTH WEST CATCHMENT COUNCIL (SWCC) – FUNDING AGREEMENT

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Monday, 9 May 2016
FILE NO: GS.PRG.7
ATTACHMENT: 13.2 SWCC Grant Agreement

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to seek Council’s formal endorsement to execute the funding agreement of \$50,000 over 3 financial years commencing 2015/2016.

BACKGROUND

NRM Advisory Committee member, Jennifer Edgerton-Warburton, in collaboration with the South West Catchment Council (SWCC) and financial assistance provided through the Australian Government’s National Landcare Programme have secured a total of \$50,000 over the next 3 financial years towards strategic environmental weed control and engaging the Kojonup community in Landcare.

COMMENT

SWCC want to see Kojonup’s most problematic environmental weeds identified, targeted and controlled as had previously occurred some 15 – 20 years ago.

The formation of the new Advisory Committee and retention of \$103,000 in funding from past Landcare and soil conservation efforts means that we are able to “hit the ground running” to achieve such goals by coordinating effort and resources with land owners and our neighbouring landcare/catchment groups.

CONSULTATION

KNRMAC Meetings 25 February 2016 & 21 April 2016
Discussions with SWCC officers

STATUTORY REQUIREMENTS

Local Government Act 1995

POLICY IMPLICATIONS

Local government corporate, strategic and operational planning directs Council’s operations for the medium term towards achieving the community vision. Strategic planning provides Council with a process to identify the key local natural resource management issues, how to integrate into council plans and implement actions to address these key challenges.

FINANCIAL IMPLICATIONS

Prudent allocation of Landcare funds through a defined process that is prioritised and properly acquitted.

STRATEGIC/CORPORATE IMPLICATIONSCommunity Strategic Plan 2013 – 2023

Outcomes:

- G1 – Being Well Governed
- N1 – Natural & Built Environment

Corporate Business Plan 2013 – 2017

Objectives:

- G1.2 – Maintain a structured forward planning process in accordance with legislation and community aspirations
- N1.2 – Support management of the natural environment through production based agriculture and reserve management

RISK MANAGEMENT IMPLICATIONS

Natural Resource Management outcomes should be community driven and not solely reliant on the Shire of Kojonup to initiate. The agreement with SWCC achieves this desired outcome.

ASSET MANAGEMENT IMPLICATIONS

Council and the Advisory Committee need to remain prudent in the application of NRM funds in order to deliver tangible Natural Resource Management outcomes for the benefit of the Shire of Kojonup. The arrangement with SWCC builds on delivering tangible outcomes.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION/OFFICER RECOMMENDATION

66/16 Moved Cr Mathwin, seconded Cr Warland that Council endorses the Chief Executive Officer executing the \$50,000 funding agreement over 3 financial years with the South West Catchment Council as tabled.

CARRIED 7/0

13.3 DELEGATION REGISTER REVIEW

AUTHOR: Anthony Middleton – Manager Corporate Services
DATE: Monday, 9 May 2016
FILE NO: PE.AUT.2
ATTACHMENT: [13.3.1 Delegation Register \(Current\)](#)
[13.3.2 DRAFT Delegation Register – May 2016](#)

DECLARATION OF INTEREST

Nil

SUMMARY

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

BACKGROUND

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

COMMENT

The Council of the Shire of Kojonup has resolved to adopt and delegate the functions referred to within the attached Delegations Register to the Chief Executive Officer (CEO). Under the *Local Government Act 1995*, the Council is only able to delegate to the CEO and the CEO may then on-delegate to other Officers. When a decision is made under delegation, it is as if that decision has been made by the Council.

A review of the Delegation Register has been undertaken in accordance with the *Local Government Act 1995* to ensure that it contains the requirements for the Shire of Kojonup to function efficiently and to ensure good governance.

Minor typographical adjustments and improvements have been made throughout the Delegation Register. The significant changes to the attached draft are as follows:

- New delegation FIRE006 – Authorises the Shire President & Chief Bush Fire Control Officer to amend restricted burning periods in accordance with the *Bush Fire Act 1954*;
- BLDG001 – Proposed to repeal as it is adequately covered by other delegations, especially ADM005;
- BLDG002 – Proposed to repeal as it is adequately covered by the *Building Act 2011* and other delegations, especially ADM005;
- FIRE005 - Proposed to repeal as it is adequately covered by other delegations and attempts to duplicate a repealed delegation (FIRE004); and
- PLAN003 – A new delegation authorising the Chief Executive Officer and Shire Planner to “*enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being served*” as contained within the Shire of Kojonup Town Planning Scheme No.3.

CONSULTATION

Relevant administration staff.

STATUTORY REQUIREMENTS

The *Local Government Act 1995*, sections 5.42 to 5.46 and Regulation 19 of the *Local Government (Administration) Regulations 1996* relate to delegations.

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

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

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

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

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023

Outcomes:

- G1 – Being Well Governed

Corporate Business Plan 2013 – 2017

Objectives:

- G1.1.4 – Maintain robust systems and controls

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION/OFFICER RECOMMENDATION

67/16 Moved Cr Sexton, seconded Cr Hobbs that the Delegation Register dated May 2016, as attached, be adopted in accordance with section 5.42 of the *Local Government Act 1995*.

CARRIED BY ABSOLUTE MAJORITY

7/0

13.4 KODJA PLACE MASTER PLAN

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Tuesday, 10 May 2016
FILE NO: CP.DAC.9
ATTACHMENTS: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

To update Council on options should Council's \$50,000 Community Chest Grant application with the Great Southern Development Commission (GSDC) be unsuccessful.

BACKGROUND

As discussed at the last Briefing Session (3 May 2016), opportunities to engage such a reputable organisation as the Gibson Group are rare. Regardless of the GSDC funding outcome, Council needs to "Lock in" the Gibson Group visit dates and be prepared to make a budget allocation in the 2016/2017 for any funding shortfall.

COMMENT

Possession of the Master Plan will provide Council, Community and other stakeholders a blueprint for building on the special precinct that we have at The Kodja Place. It will set the framework for future development and increased patronage for years to come as well as an essential document for seeking external funding. Without the Master Plan and external funding, the onus for realising opportunities within the precinct will predominantly rest with Council. The need for a Master Plan is undeniable as Council and the Kodja Place Advisory Committee have documented impediments that inhibit the precinct realising its full potential.

The preparation of concept designs is not a duplication of effort or resources as it provides the Gibson Group background on community desires and potential alternatives to improve the precinct. There are also many unknowns regarding the future of the RSL Building. Is the Potts Memorial located in the optimum position? If not then would it be premature to install lighting? Should we tell the whole A.W. Potts story and not just elements of this special man? What are the links from the Main Street to the Kodja Place Precinct?

Possession of the Master Plan will provide us options and it would be counterproductive to not proceed with the Gibson Group because we were unsuccessful with the GSDC application. The benefits far outweigh the cost! A Concept Brief will be prepared and forwarded to the major political parties (State & Federal) seeking support and an election commitment to assist fund the \$8 - \$12 million redevelopment.

Kojonup must make its intentions known in order to be placed in the funding queue!

CONSULTATION

Council Briefing Sessions
Kodja Place Advisory Committee meeting held 5 May 2016
KPCF Inc. meeting held 27 April 2016

STATUTORY REQUIREMENTS

Local Government Act 1995
Occupational Safety and Health Act 1984

Building Code of Australia
Building Regulations 2012
Food Act 2008

POLICY IMPLICATIONS

Policy 2.3.4 Asset Management – Requires Council to consider the financial, economic, engineering and other practices to provide a level of service in the most cost effective manner.

FINANCIAL IMPLICATIONS

Council allocated \$40,000 in the 2015/2016 Budget specifically for Consultancy work for the Kodja Place Precinct and it is recommended that this amount be increased to \$50,000 in the 2016/2017 Budget , an increase of \$10,000 which would then be significantly reduced or totally withdrawn in the 2017/2018 Budget.

If Council is successful in gaining the GSDC grant then a budget amendment can be undertaken. The main point is that we have a fall-back option.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023

Outcomes:

- E1 – Supporting Main Street
- E2 – Building Prosperity
- N1 – Natural & Built Environment
- S2 – Staying Active & Entertained

Corporate Business Plan 2013 – 2017

Objectives:

- E1.1.1 – Undertake a study to identify the opportunities to enhance the main street, taking into consideration current and future uses
- E2.1.3 – Identify opportunities to source funding and resources for local projects
- E2.1.4 – Support local tourism initiatives and the KTA
- N1.3 – Creating sustainable and inviting public spaces
- S2.1.4 – Preserve and promote our history and culture

RISK MANAGEMENT IMPLICATIONS

The upcoming Federal and State Elections require Council to be “on the front foot” by placing major parties on notice that Council by way of a concept brief with associated conceptual plans has a substantial project requiring consideration for funding and therefore, place us in the funding queue. The risk is that scarce election funding opportunities may be lost and also any chance of Council gaining access to grants sooner rather than later if we do not notify parties of our intentions.

ASSET MANAGEMENT IMPLICATIONS

Whole of Life considerations, Integrated planning, Structural Integrity, “Fit for Purpose”, Insurance and Public Liability considerations, Business continuity and rates impact aligned with Master Plan and Business Plan.

Section 12 of the Shire’s Asset Management Plan provides information regarding buildings and associated structures and acknowledges that *renewal has regard to the ability to service current demands and be fit for purpose, with a significant component of renewal*

due to changing needs, expectations and regulations that can often render buildings obsolete and bring forward replacement discussions.

VOTING REQUIREMENTS

Simple Majority

4:16pm – Cr Hobbs declared an interest as his wife, Barbara, is a member of the Kodja Place Advisory Committee which is affiliated with the Kodja Place Community Fund Inc. and he departed the Chamber.

OFFICER RECOMMENDATION

That Council:

- 1) Instruct the CEO to develop and lodge a Kodja Place Precinct Concept Brief with the major political parties (State & Federal) seeking support and an election commitment to assist fund the \$8 - \$12 Million redevelopment; and
- 2) Allocate an amount of \$50,000 in the 2016/2017 Budget COA 8357 as a fall back option should the GSDC Community Chest Grant application not be successful.

COUNCIL DECISION

68/16 Moved Cr Fleay, seconded Cr Warland that Council:

- 1) Instruct the CEO in conjunction with the Shire President to develop and lodge a Kodja Place Precinct Concept Brief with the major political parties (State & Federal) seeking support and an election commitment to assist fund the \$8 - \$12 Million redevelopment; and**
- 2) Allocate an amount of \$50,000 in the 2016/2017 Budget COA 8357 as a fall back option should the GSDC Community Chest Grant application not be successful.**

CARRIED 6/0

REASON FOR CHANGE: The Shire President felt it should be noted in Council's Decision that she will also be working with the CEO to develop and lodge a Kodja Place Precinct Concept Brief.

4:21pm – Cr Hobbs returned to the Chamber.

14 AGED CARE SERVICES REPORTS

Nil

15 COMMUNITY DEVELOPMENT & TOURISM REPORTS

Nil

16 COMMITTEES OF COUNCIL**16.1 COMMITTEES OF COUNCIL UNCONFIRMED MINUTES****OFFICER RECOMMENDATION**

That the attached unconfirmed minutes of the following Committees of Council:

- a) Bushfire Advisory Committee meeting held 18 April 2016;
- b) Natural Resource Management Advisory Committee meeting held Thursday, 21 April 2016;
- c) Audit Committee meeting held Tuesday, 3 May 2016; and
- d) Kodja Place Advisory Committee meeting held Thursday, 5 May 2016.

be received.

COUNCIL DECISION

69/16 Moved Cr Mathwin, seconded Cr Warland that the attached unconfirmed minutes of the following Committees of Council:

- a) **Natural Resource Management Advisory Committee meeting held Thursday, 21 April 2016;**
- b) **Audit Committee meeting held Tuesday, 3 May 2016; and**
- c) **Kodja Place Advisory Committee meeting held Thursday, 5 May 2016.**

be received.

CARRIED 7/0

REASON FOR CHANGE: Cr Sexton was aware that the Bushfire Advisory Committee minutes for 18 April 2016 contained a number of inaccuracies and Council agreed that it will wait to receive the minutes at its 21 June 2016 meeting when the inaccuracies have been corrected.

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

Nil

18 **NEW BUSINESS**

Nil

19 CONFIDENTIAL REPORTS**19.1 PROPOSED RESIDENTIAL TENANCY AGREEMENTS – LOTON CLOSE, KOJONUP**

AUTHOR: Michelle Dennis – Development Services Coordinator
DATE: Tuesday, 3 May 2016
FILE NO: CS.SVP.13
ATTACHMENT: 19.1 Confidential Report & Attachments

19.2 KODJA PLACE COMMUNITY FUND INC.

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Saturday, 7 May 2016
FILE NO: CP.REG.1
ATTACHMENTS: 19.2 Confidential Report & Attachments

STATUTORY REQUIREMENTS

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

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

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION/OFFICER RECOMMENDATION

70/16 Moved Cr Sexton, seconded Cr Pedler that the meeting be closed to the public in accordance with Section 5.23 (2) of the *Local Government Act 1995* to discuss:

- (b) The personal affairs of any person; and**
- (c) A contract entered into, or which may be entered into, by the Local Government which relates to a matter to be discussed at the meeting.**

CARRIED 7/0

4:25pm – The Regulatory & Administration Officer departed from the Chamber.

COUNCIL DECISION/OFFICER RECOMMENDATION

71/16 Moved Cr Mathwin, seconded Cr Sexton that Council instruct the Chief Executive Officer to:

- 1) Enter into new periodic tenancy agreements with the residents of Loton Close that comply with the requirements of the *Residential Tenancy Act 1987* and require residents to pay for consumption charges for utilities;**
- 2) Disconnect the Nurse Call System from the Loton Close units and remove all relevant switches from within the units;**
- 3) Disconnect the Direct Brigade Alarm from the Loton Close units and remove all relevant switches from within the units; and;**
- 4) Develop a Policy for further consideration of Council in relation to the occupation and use of both the existing and proposed Loton Close Units Independent Living Units.**

CARRIED 7/0

4:30pm – Cr Warland had previously declared an interest as her husband sits on the Kodja Place Community Fund Inc. and Cr Pedler had previously declared an interest as Mr. Andrew Paice (the current Black Cockatoo Café lessee) is a client of his. They both departed from the Chamber.

4:30pm – Cr Hobbs declared an interest as his wife, Barbara, is a member of the Kodja Place Advisory Committee which is affiliated with the Kodja Place Community Fund Inc. and he also departed from the Chamber.

COUNCIL DECISION

72/16 Moved Cr Fleay, seconded Cr Pritchard that Councillors Warland & Hobbs be allowed back into the Chamber to contribute and vote on Confidential Item 19.2 in accordance with Section 5.68 (1)(b)(ii) of the *Local Government Act 1995*.

CARRIED 4/0

4:31pm – Cr Warland and Cr Hobbs returned to the Chamber.

COUNCIL DECISION/OFFICER RECOMMENDATION

73/16 Moved Cr Sexton, seconded Cr Mathwin that Council receive the Chief Executive Officer's report and reaffirms the Kodja Place Community Fund Inc. Decision 04/16 made at its meeting held 27 April 2016 agreeing to the Shire of Kojonup (as Head Lessor) managing and operating the Café until 30 June 2017.

CARRIED 6/0

COUNCIL DECISION

74/16 Moved Cr Mathwin, seconded Cr Pritchard that the Chief Executive Officer and the Shire President progress the departure of Mr. Andrew Paice from the Black Cockatoo Café on or before 1 June 2016.

CARRIED 6/0

COUNCIL DECISION/OFFICER RECOMMENDATION

75/16 Moved Cr Sexton, seconded Cr Pritchard that the meeting be reopened to the public.

CARRIED 6/0

4:53pm – Cr Pedler returned to the Chamber.

20 **NEXT MEETING**

Tuesday, 21 June 2016 commencing at 3:00pm.

21 **CLOSURE**

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 4:54pm.

22 **ATTACHMENTS (SEPARATE)**

- Item 10.1 Monthly Statement of Financial Activity – April 2016
- Item 10.2 Monthly Payment Listing 01/04/2016 – 30/04/2016
- Item 13.1 Technical Compliance Inspection Report 25 Feb 2016
- Item 13.2 SWCC Grant Agreement
- Item 13.3.1 Delegation Register (Current)
- Item 13.3.2 DRAFT Delegation Register – May 2016
- Item 19.1 Confidential Item & Attachments
- Item 19.2 Confidential Item & Attachments

Presiding Member

Date