

SHIRE OF KOJONUP



Council Minutes

9th December 2014

SHIRE OF KOJONUP**MINUTES FOR THE COUNCIL MEETING HELD ON 9th December 2014****TABLE OF CONTENTS**

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MINUTES

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President declared the meeting opened at 3:04pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points and draw the meetings attention to the disclaimer below:

Disclaimer

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

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

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

2 ATTENDANCE & APOLOGIES

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

Mr Rick Mitchell-Collins	Chief Executive Officer
Mr Anthony Middleton	Manager of Corporate Services
Mr Mort Wignall	Manager of Regulatory & Community Services
Mrs Sue Northover	Manager of Aged Care Services
Miss Dominique Hodge	Personal Assistant to the CEO

APOLOGIES

Nil

3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS, DEPUTATIONS & PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

ORDINARY MEETING 18th November 2014

COUNCIL DECISION

191/14 Moved Cr Fleay, seconded Cr Benn that the Minutes of the Ordinary Meeting of Council held on 18th November 2014 be confirmed as a true record subject to the following changes:

- **Deleting the descriptive text on Page 54 between decision numbers 177/14 & 178/14; and**
- **Adding the title “Cr” to Decision 179/14 as the motion was seconded by Cr Benn.**

CARRIED 8/0

8 ANNOUNCEMENTS by the Presiding Member without discussion

Nil

9 DECLARATIONS OF INTEREST

Cr Radford declared an interest in Item 17.1 – Deed of Easement R& J Goodall (Offer of Purchase) as he is the President of the Kojonup Tourist Railway committee.

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

AUTHOR: Anthony Middleton – Manager of Corporate Services
DATE: Tuesday, 25 November 2014
FILE NO: FM.FNR.2
ATTACHMENT: 10.1 Monthly Statement of Financial Activity (to follow)

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to note the Monthly Financial Statements for the period ending 30 November 2014.

BACKGROUND

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

COMMENT

As a result of the December 2014 Council meeting being held earlier than normal, the agenda preparation lead time does not allow the monthly financial statements to be circulated with the agenda documents. The financial statements will be prepared and circulated after the preparation of the agenda but prior to the Council meeting. Therefore, it is appropriate for the Council to decide whether or not they are happy to accept the late information and then consider noting the financial statements.

CONSULTATION

Nil.

STATUTORY REQUIREMENTS

Financial Management Regulation 34 sets out the basic information which must be included in the monthly reports to Council.

POLICY IMPLICATIONS

Council Policy 3.14 deals with late agenda items and states that *'the meeting of the Council is to decide by a properly recorded vote whether to accept the late report before proceeding'*.

FINANCIAL IMPLICATIONS

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

STRATEGIC/CORPORATE IMPLICATIONS

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

Corporate Business Plan 2013-17

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

Strategy 1.1.4 Maintain robust systems and controls

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications for this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION 1 & 2

192/14 Moved Cr Mathwin, seconded Cr Benn that:

- 1. The late attachment (monthly financial statements) item be considered by the Council; and**
- 2. The monthly financial statements for the period 1st July 2014 to 30 November 2014, as attached, be noted.**

CARRIED

8/0

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Brodie Hueppauff – Finance Officer
DATE: Friday, 28 November, 2014
FILE NO: FM.AUT.1
ATTACHMENT: 10.2 Monthly Payment Listing 01/11/2014 – 30/11/2014

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments covering the period 1st November 2014 – 30th November 2014.

BACKGROUND

Not applicable.

COMMENT

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

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

CONSULTATION

No consultation was required.

STATUTORY REQUIREMENTS

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

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

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

POLICY IMPLICATIONS

Council's Policy 2.5 provides authorisations and restrictions relative to purchasing commitments.

FINANCIAL IMPLICATIONS

All payments made in line with Council Policy.

STRATEGIC/CORPORATE IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

193/14 Moved Cr Trethowan, seconded Cr Pritchard that in accordance with Regulation 13 (1) of the *Local Government (Financial Management) Regulations 1996*, the list of payments made under delegated authority from 1/11/2014 to 30/11/2014 comprising of Municipal Cheques 13259 to 13283, EFT's 12984 to 13167 and Direct Debits 16833.1 to 16915.1 totalling \$877,983.71 and as attached to this agenda, be received.

CARRIED**8/0**

10.3 REVIEW OF SYSTEMS AND PROCEDURES UNDER S17 OF LOCAL GOVERNMENT (AUDIT) REGULATIONS 1996

AUTHOR: Heather Sheppard – Senior Project Officer
 DATE: Friday, 21 November 2014
 FILE NO: GO.CNM.9
 ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

S17 of the Local Government (Audit) Regulations 1996 requires:

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to –*
 - a. *Risk management; and*
 - b. *Internal control; and*
 - c. *Legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
- (3) *The CEO is to report to the audit committee the results of that review.*

The Audit Committee met on 4th November 2014 and adopted the following:

AUDIT COMMITTEE DECISION / OFFICER RECOMMENDATION

A40/14 Moved Cr Benn, seconded Cr Pedler that:

1. the Audit Committee refer to the Council the review that has been undertaken for Risk Management and Audit Compliance of the systems and procedures required under Regulation 17 of the *Local Government (Audit) Regulations 1996* be accepted and referred to the Council; and
2. the complete review of financial management systems and procedures together with the Business Continuity Plan that will be finalised by end of December 2014 at which time both documents will be provided to the Council through the Audit Committee.

CARRIED 5/0

BACKGROUND

Recent changes to the *Local Government Audit Regulations (1996)* require local government CEO's to carry out at least a biennial review of legislative compliance, internal control and risk management and present the results of the review to Council's audit committee. The audit committee is to consider the CEO's review and report the results of the review to Council.

While the actual review process to be undertaken by the CEO is not stipulated, some of the matters that would typically be reviewed when considering risk management, internal control and legislative compliance include:

- Reviewing whether the local government has an effective risk management system and that material operating risks to the local government are appropriately considered;
- Reviewing whether the local government has a current and effective business continuity plan (including disaster recovery) which is tested from time to time;
- Assessing the internal processes for determining and managing material operating risks in accordance with the local government's identified tolerance for risk;
- Ascertaining whether fraud risks have been identified, analysed, evaluated, and that there is an appropriate treatment plan which has been implemented and monitored;
- Ensuring the internal controls and financial management systems are in place to mitigate any financial and reputational risk in line with the WA Local Government Accounting Manual; and
- Ensure compliance with the *Local Government Act 1995* and *Regulations*.

COMMENT

- The Risk Management Plan and Policy was adopted by Council on 16th September 2014 with a Risk Management Co-ordinator appointed to manage the ongoing Risk Management requirements. The Risk Registers will be monitored regularly and a report provided to Senior Management team every quarter.
- The Business Continuity Plan including Disaster Recovery is currently being prepared and will be finalised by the end of December 2014 at which time it will be presented to the Audit Committee, Council and all staff. Testing of fire alarms and evacuation procedures will be implemented bi-annually.
- A complete review by external consultants, UHY Haines Norton, of the financial management systems and procedures commenced during the first week of November 2014. This report will be provided to the Audit Committee when it is finalised.
- The Compliance Audit Return is completed each year and is reviewed by the Audit Committee and a report presented to council. The Return is then submitted to the Director General of the Department of Local Government and Communities by 31st March each year. This return covers a range of audit questions to be answered each year to ensure compliance by local governments.

CONSULTATION

Manager of Corporate Services

STATUTORY REQUIREMENTS

Local Government Audit Regulations (1996)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC/CORPORATE IMPLICATIONS

Corporate Business Plan 2013-17

1.1: Being Well Governed

1.1.4.1: Implement organisation wide risk management.

RISK MANAGEMENT IMPLICATIONS

Compliance with S17 of the *Local Government Audit Regulations (1996)*

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

194/14 Moved Cr Mathwin, seconded Cr Pedler that Council:

- 1. accept the review that has been undertaken for Risk Management and Audit Compliance of the systems and procedures required under Regulation 17 of the Local Government (Audit) Regulations 1996; and**
- 2. acknowledge that the complete review of financial management systems and procedures together with the Business Continuity Plan will be finalised by the end of December 2014 at which time both documents will be provided to the Council through the Audit Committee.**

CARRIED

8/0

11 WORKS & SERVICES REPORTS

Nil

12 COMMUNITY & REGULATORY SERVICES REPORTS**12.1 DFES – TELECOMMUNICATIONS – CHANNEL 41**

AUTHOR: Rick Mitchell-Collins, Chief Executive Officer
DATE: Thursday, 27 November 2014
FILE NO: ES.COM.1
ATTACHMENT: [12.1 Letter from DFES - Telecommunications – Channel 41 \(ICR18261\)](#)

DECLARATION OF INTEREST

Nil

SUMMARY

Official response received from Commissioner Gregson regarding the VHF mid-band radio system which operates on Channel 41.

BACKGROUND

Council at the meeting held 21 October 2014 passed decision 161/14:

“That Kojonup Shire retain the mid band channel 41 radios for bush fire use as high band do not provide total coverage of the Shire on bad day.”

COMMENT

It is pleasing that the Department’s records show that Channel 41 is jointly licensed by the Department of Fire & Emergency Services (DFES) and the Shire of Kojonup. More importantly any decision by DFES to surrender its license for Channel 41 should not affect the currency of the Shire’s license and that changes to the link will be made with prior consultation with the Shire.

CONSULTATION

Kojonup Bush Fire Advisory Committee

STATUTORY REQUIREMENTS

Bush Fires Act 1954

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Dependent on when/if full transfer of license occurs and reserve already exists for telecommunications (tower upgrade).

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013-2023 – Focus Area 1.4: Living in a safe community

Corporate Business Plan 2013 -2017 - Strategy 1.4.4.1

Maintain a community driven response to bushfire risk management

RISK MANAGEMENT IMPLICATIONS

Mitigate/minimize the destructive nature of Bush Fires to the community through the provision of adequately trained and resourced Bush Fire Brigades, public education and monitoring and quick volunteer/brigade response.

ASSET MANAGEMENT IMPLICATIONS

Ensure communications, resource allocation regarding plant & equipment addresses community needs.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

195/14 Moved Cr Sexton, seconded Cr Radford that the correspondence from Commissioner Gregson dated 12 November 2014 regarding Telecommunications – Channel 41 be received and circulated to Bush Fire Brigades.

CARRIED

8/0

18 NOV 2014



Government of Western Australia
Department of Fire & Emergency Services



Our Ref: 19550; 14/38653
Your Ref: OCR5494-ES.COM.1

ICR18261

SHIRE OF KOJONUP				
FILE:	ES.COM.1			
CEO <i>cc</i>	EC or HC	NFA	MCS	MDCS
BGR	SFO	WM	CDPO	FB
NRSW	SHIA	PLAN	SP ✓	

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

Dear Mr Fleay

TELECOMMUNICATIONS – CHANNEL 41

Thank you for your correspondence dated 29 October 2014 regarding the Shire's VHF mid-band radio system, operating on Channel 41. The Department of Fire & Emergency Services (DFES) is pleased to assist Local Government with communications planning where possible.

The Department's records show that Channel 41 is jointly licensed by DFES and the Shire of Kojonup. As such, any decision by DFES to surrender its license for Channel 41 should not affect the currency of the Shire's license, which if renewed in alignment with the licensing body's requirements (the Australian Media and Communications Authority), will allow continued operation of the channel.

The WA Emergency Radio Network (WAERN) has been established since 2012. The WAERN incorporated moving emergency service communications from VHF mid-band to VHF high-band. Accordingly and as communicated by the Great Southern Region on previous occasions, the Department is developing plans to cease the use of VHF mid-band for its emergency communications.

The repeater for the Kojonup area which supports WAERN Channel 234 is installed at the WA Police radio site near Kojonup. This includes the radio link which allows connection between Channel 41 and Channel 234. Under the WAERN arrangements DFES will manage this link for emergency communications purposes, however, no changes to the link will be made without prior consultation with the Shire.

Yours sincerely



WAYNE GREGSON APM
COMMISSIONER

12th November 2014

12.2 DRAFT TOWN PLANNING SCHEME POLICIES

AUTHOR: Phil Shephard – Town Planner
 DATE: Friday, 28 November 2014
 FILE NO: CM.POL.2
 ATTACHMENT: [12.2.1 Existing Town Planning Scheme Policies](#)
[12.2.2 Draft new Town Planning Scheme Policies](#)

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the recommendations from a review of the existing Town Planning Scheme Policies.

BACKGROUND

The existing Town Planning Scheme Policies were incorporated with the introduction of Town Planning Scheme No. 3 in October 1998. Staff have completed a review of the existing policies and recommend a number of changes to the policies including deleting some existing policies and the introduction of new policies to reflect the changing circumstances in Kojonup.

COMMENT

The existing Town Planning Scheme Policies have operated reasonably successfully since their adoption, although some of them are no longer relevant as they have been superseded by scheme or other legislative controls. The review and recommendations are discussed below:

Existing Town Planning Scheme Policies			
No	Title	Staff Comment	Recommendation
1	Townscape Plans for Townsites	May be deleted. At this stage, the Council is only producing a townscape plan for Kojonup and the new Main Street Master Plan will include recommendations to Council on implementation of the plan. As such, this Policy has not been implemented to date and will no longer apply. Should the new Main Street Master Plan include recommendations in regards to adoption of Town Planning Scheme Policies, Council can revisit the matter at that time.	The Policy be rescinded.
2	Future development in the Kojonup townsite and locality	May be deleted. Many of the proposals shown in the plan have been subsequently implemented and it is out of date. The Policy and plan will be superseded by the Local Planning Strategy and is no longer required.	The Policy be rescinded.
3	Kojonup Industrial areas	Retain and reword Policy to reflect dealing with caretaker's dwellings in the Industrial zoned area in Kojonup.	The Policy be retained and reworded.
4	Special rural zones	May be deleted. There are no new special rural zones contemplated within the life of the existing TPS3 and the Policy is no longer required. The new LPS4 will include controls for the existing 4 special rural zoned areas around Kojonup.	The Policy be rescinded.

Existing Town Planning Scheme Policies			
No	Title	Staff Comment	Recommendation
5	Elverd/Vanzuilecom Street Precinct	<p>May be deleted. The Policy was created to require brick/tile style construction in this part of Kojonup.</p> <p>Given that c.5.1 of TPS3 exempts single houses from requiring planning consent, the imposition of the existing Policy cannot be achieved using a Town Planning Scheme Policy.</p> <p>In addition, the choice of building materials to construct a building is for the owner to make and requires a Building Permit to undertake. The building and materials must meet the Building Code of Australia (BCA) standards.</p> <p>Staff believe that Council could not reasonably refuse a Building Permit for a building in Elverd or Vanzuilecom Streets that met the BCA standards simply because it was not brick.</p>	The Policy be rescinded.
6	Commercial accommodation	Retain and reword Policy to reflect the terms used in TPS3 and to cover all permissible tourist accommodation uses in the Rural zoned areas in the Shire.	The Policy be retained and reworded.
7	Signs, hoardings and billpostings	<p>Retain and reword. The existing Policy refers to an outdated local law and needs to be changed accordingly.</p> <p>The proposed Policy includes a comprehensive list of sign types and their permissibility within the various zones in TPS3.</p>	The Policy be retained and reworded and to include reference to airport signage and Kojonup specific promotion re historical, cultural and tourism branding.
8	Construction of private streets	<p>Retain and reword. The existing Policy is to be replaced by reference to the Institute of Public Works Engineering Australia (WA Division) (IPWEA) 'Local Government Guidelines for Subdivisional Development, 2011' which have been prepared to guide and standardise road construction project requirements within the Shire.</p> <p>The new Policy includes the discretion for the Shire to modify the standard requirements due to local circumstances.</p>	The Policy be retained and reworded.
9	Sheds in Residential and special rural zoned land	<p>Retain and reword Policy to reflect previous and current decisions by Council on outbuildings.</p> <p>The existing Policy is recommended to be relaxed from the present 65m² floor area restriction and has been changed to reflect more recent approvals for outbuildings by Council.</p>	The Policy be retained and reworded.
10	Home occupation approvals	May be deleted. There is no requirement within the existing TPS3 for annual reapprovals of home occupations and the Policy largely reiterates the controls in the Scheme.	The Policy be rescinded.
11	Applications for subdivision	Retain and reword Policy to reflect WA Planning Commission's requirements	The Policy be retained and reworded.

Existing Town Planning Scheme Policies			
No	Title	Staff Comment	Recommendation
		for rural subdivision. The Policy retains Council's existing simple and flexible attitude to rural subdivision and amalgamations.	
12	Kojonup town building lots with potential drainage problems	Retain and reword Policy to reflect Building Code of Australia requirements for buildings and current planning practice for low-lying land.	The Policy be retained and reworded.
13	Kojonup industrial area – buffer areas	Retain. The Policy is still relevant and sets out Council's attitudes to industrial buffers and developments within the Kojonup industrial area.	The Policy be retained.

Staff have also included a new Policy dealing with ancillary accommodation (generally known as granny flats). Until recently the development of these units was restricted to members of the family in the main dwelling under the R-Codes, but this is no longer required and the occupiers of the unit may live independently or semi-independently to the residents of the single house/main dwelling. The new Policy reflects this change and allows a maximum of 100m² internal floor space (excluding verandahs/carports etc.) which is much larger than the 70m² allowed in the R-Codes.

In dealing with the Policies, the Council has a number of options available at this stage and these and their implications are discussed below:

- 1) Defer consideration of the review of the existing Policies and seek additional advice/make additional changes – the implications of this decision would be to delay the review until that information was provided or changes made; or
- 2) Not support the review and discontinue the process – the implications of this decision would mean that Council has an outdated set of Town Planning Policies that do not reflect the current situation or practice in Kojonup; or
- 3) Support the review and draft Policies and proceed to undertake consultation on the draft Policies as set out in TPS3 – the implications of this decision would be for Council to proceed with the review of the existing Town Planning Scheme Policies by inviting submissions on the draft new Policies to apply.

The recommendation from staff is for Council to adopt the new Town Planning Scheme Policy Manual as attached and commence advertising to enable public comment to be sought on the draft policies.

CONSULTATION

To alter an existing Town Planning Scheme Policy, consultation on the draft Policies must be completed as set out in c.7.6.2 of TPS3. This requires Council to publish a notice of the draft Policies once a week for 2 consecutive weeks in a newspaper circulating in the area inviting submissions for minimum period of 21-days. Any submissions received will need to be reported back to Council for consideration of any modifications to the draft Policies.

To rescind an existing Town Planning Scheme Policy requires the Council publish a notice of the recession twice in a newspaper circulating in the area.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

This item proposes the introduction of new Town Planning Scheme Policies.

Clause 7.6 sets out the following process for adoption of a new Town Planning Scheme Policy as follows:

7.6 Power to Make Policies

- 7.6.1 *In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the control of development.*
- 7.6.2 *A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:*
- a) *The Council having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the Draft Policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the Draft Policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.*
 - b) *The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment, or not proceed with the Draft Policy.*
 - c) *Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the Scheme Documents for inspection during normal office hours.*
- 7.6.3 *A Town Planning Scheme Policy may only be altered or rescinded by:*
- a) *Preparation and final adoption of a new Policy pursuant to this clause, specifically worded to supersede an existing policy.*
 - b) *Publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.*
- 7.6.4 *A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve before making its decision.*

FINANCIAL IMPLICATIONS

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

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 -2023

Focus Area 1.8 – Building Prosperity

Corporate Business Plan 2013-2017

Strategy 1.12 – Maintain a structured forward planning process in accordance with legislation and community aspirations.

Strategy 1.8.1.7 – Produce new Town Planning Scheme (No. 4)

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
Policies not updated by Council affects staff abilities to make decisions and leads to	Likely	Minor	High	Senior management attention needed. Update planning policies.

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
inefficiencies and time delays.				
Out of date policies will not articulate Council's position on various planning and development issues affecting the Shire.	Likely	Minor	High	Senior management attention needed. Review planning policies.
Poor decision making as a result of unnecessary or inconsistent planning requirements.	Likely	Minor	High	Senior management attention needed. Update planning policies.

ASSET MANAGEMENT IMPLICATIONS

The item does not affect the Asset Management Plan.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

196/14 Moved Cr Pritchard, seconded Cr Benn that Council pursuant to c.7.6 of Town Planning Scheme No. 3:

- 1) Adopt the attached draft Town Planning Scheme Policy Manual and undertake consultation/notice on the draft as set out in the Consultation section of this report.**
- 2) Rescind the following Town Planning Scheme Policies:**
 - **Townscape Plans for Townsites;**
 - **Future development in the Kojonup townsite and locality;**
 - **Special rural zones;**
 - **Elverd/Vanzuilecom Street Precinct; and**
 - **Home Occupation approvals.**

CARRIED

8/0

It was noted that on Page 17 of Attachment 12.2.2 that under Introduction it incorrectly lists the "Balgarp River" and it should read "Kojonup Brook". This amendment will be made to the manual prior to public consultation.

13 EXECUTIVE & GOVERNANCE REPORTS

13.1 KODJA PLACE – PRECINCT INTERPRETIVE REVIEW 2015

AUTHOR: Margaret Robertson - Gallery/Storyplace Coordinator
Rick Mitchell-Collins – Chief Executive Officer
DATE: Monday, 1 December 2014
FILE NO: RC.MUS.1
ATTACHMENT: Refer to Attachment 14.1 - KPAC Minutes 27 November 2014

DECLARATION OF INTEREST

Nil

SUMMARY

To seek Council approval to undertake a review to identify ways to upgrade and further integrate interpretive spaces and elements at the Kodja Place.

BACKGROUND

Refer to Margaret Robertson's report which was tabled at the 27 November 2014 Kodja Place Advisory Committee (KPAC) meeting.

COMMENT

Council and KPAC via Margaret Robertson, Craig McVee and the curatorial group are seeking advice and input from specialists/experts in multi-media, museum, cultural and heritage displays etc. in an attempt to address the existing IT problems and to enhance the interpretation aspects and displays in the Kodj Gallery and Storyplace as it has been 12 years since the original concept was implemented.

CONSULTATION

Kodja Place Advisory Committee

WA Museum: James Dexter – Director Creative and Regional Development, Isabel Smith and Amy Wegerhoff – curators

Bruce Brown – 'Mental Media'

Stephen Antsey – Head curator of the new National ANZAC Centre

Dr Sue Graham-Taylor – Consultant historian and curator

Roz Lipscombe – Senior Policy Officer Cultural programs – Department of Culture and the Arts

STATUTORY REQUIREMENTS

Good governance and principles as per ASX Corporate Governance Council and Australian Institute of Company Directors for not-for-profit organisations.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Engaging expert/specialist advice can be achieved from cost codes:

- C289 – Kodja Place Computer/Communications. Budget \$30,000 spent as at 30/11/14 = \$12,068
- 8,357 – Kodja Place Consultants – Budget \$10,000 spent as at 30/11/14 = \$2,345

IT/Interpretation/display upgrades are areas requiring additional resources particularly over the next 2-3 years however unless Council and KPAC possess a definitive assessment of what is needed to achieve the key concepts as listed on page 5 of Margaret's report the "Purpose" of Kodja Place will never be fully realized. Possession of the review will also provide the blueprint for accessing external funds as it is an unrealistic expectation for Council to fund improvements and essential 'catch-up' works.

It is also imperative that future budget allocations make provision for personnel such as Margaret Robertson and Craig McVee to ensure a coordinate approach is maintained at Kodja Place if Council and the Community really value the Kodja Place Precinct.

STRATEGIC/CORPORATE IMPLICATIONS

Corporate Business Plan 2013–2017

Strategy 1.5.1.1 – Establish a User Advisory Committee to make recommendations to improve the utilisation of Kodja Place.

Strategy 1.5.1.2 – Promote Kojonup as a place to visit – Tourism.

Strategy 1.5.1.4 – Preserve and promote our history and culture.

Kodja Place Strategic Plan 2014

To enhance and improve the cultural experience for all visitors.

RISK MANAGEMENT IMPLICATIONS

Maximise visitor experience and expectations while recognizing “negative” publicity is detrimental to the image of Kodja Place, Council and the community.

Refer Risks section within Kodja Place Strategic Plan 2014.

ASSET MANAGEMENT IMPLICATIONS

Ensure improvements undertaken whether Capital or Operational have “whole of life” projections and linked to Long Term Financial Plan.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

197/14 Moved Cr Radford, seconded Cr Sexton that Council:

- 1: Approves the Kodja Place precinct interpretive review as proposed on pages 4-5 of Margaret Robertson’s report dated 19 November 2014, recognising that there will be subsequent refinements to the process and timetable and that the implementation of the review findings will be contingent upon raising external funds.**
- 2: Agrees to Dr. Sue Graham-Taylor being invited to undertake the indigenous and non-indigenous curatorial audit outlined in the proposed interpretive review and to submit a written costing.**
- 3: Subject to CEO financial approval in accordance with 2014/2015 Budget approves, the upgrade of the farm video touchscreen, including:**
 - (a) Seek the formal advice of the specialist multi-media company about the best choice of a replacement screen and directional speaker;**
 - (b) Engage a cabinet maker to remodel the cabinet-work as required (with some funds set aside for consultation with designer); and**
 - (c) Arrange the installation of the new hardware noting that the current farm video touchscreen is a stand-alone system with no connection to the multi-media server.**

CARRIED 8/0

13.2 SPRINGHAVEN LODGE POLICY AND PROCEDURES MANUAL

AUTHOR: Susan Northover – Manager of Aged Care Services
DATE: Monday, 1 December 2014
FILE NO: CM.POL.2
ATTACHMENT: 13.2.1 Springhaven Management & Administration Policy & Procedure Manual
13.2.2 Springhaven Resident Care Policy and Procedure Manual
13.2.3 Springhaven Safety, Security, Cleaning, Laundry and Catering Policy and Procedure Manual
13.2.4 Springhaven Key Documents Policy and Procedure Manual

DECLARATION OF INTEREST

Nil

SUMMARY

To review and adopt the amended policy and procedures of Springhaven Lodge.

BACKGROUND

When the new Manager of Aged Care Services (MACS) was appointed to the facility in March 2014 it was found not all policies and procedures were relevant to the facility. A complete review of all policies was initiated. Current Shire policy also dictates that all policies should be reviewed on an annual basis.

There has also been legislative changes since 30th June 2014 that have affected our current policies and procedures.

COMMENT

All policies and procedures have now been reviewed and reflect our current practice.

CONSULTATION

During the review of policies and procedures there has been consultation with Springhaven Lodge staff, ACSWA and Small Providers Group. From this consultation the policies and procedures have been amended to reflect current practice within the facility.

STATUTORY REQUIREMENTS

Our policies and procedures reflect

- *Aged Care Act 1997*;
- *Accountability Principles 1998*;
- *Quality of Care Principles 2014*; and
- *User Right Principles 2014*.

POLICY IMPLICATIONS

5.2 Springhaven Policy Manual which notes that all policies and procedures should be reviewed annually by the Manager of Aged Care Services.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013-2023

Focus Area 1.6 – Being Healthy

Corporate Business Plan 2013-2017

Strategy 1.6.1 – Ensure and promote adequate health services in Kojonup.

Strategy 1.6.2 – Provision of Independent Living Units (ILU's) with equitable access and a mix of funding.

RISK MANAGEMENT IMPLICATIONS

Risk exposure is now considered low as policies and procedures are now in place that are relevant to current practice in Springhaven Lodge. Adherence and ownership of improved Risk Management culture.

ASSET MANAGEMENT IMPLICATIONS

Ensure facility continues to meet the needs of Council, accreditation and the community with whole of life costs and capital analysis against competing needs in aged care service provision.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

198/14 Moved Cr Mathwin, seconded Cr Trethowan that the amended policies and procedures be adopted by Council.

CARRIED

8/0

14 COMMITTEES OF COUNCIL

14.1 KODJA PLACE ADVISORY COMMITTEE

COUNCIL DECISION / OFFICER RECOMMENDATION

199/14 Moved Cr Sexton, seconded Cr Benn that the attached unconfirmed minutes of the Kodja Place Advisory Committee held Thursday 27th November 2014 be received by Council.

CARRIED

8/0

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 NEW BUSINESS

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

16.1 QUOTATIONS FROM CONSULTANTS – REVIEW OF THE SHIRE OF KOJONUP MUNICIPAL HERITAGE INVENTORY

When calling quotes from heritage consultants to complete a review of the Shire's Municipal Heritage Inventory, the closing date for tenders was selected as Friday 5 December 2014 to enable the preferred consultant to be decided by Council at its December 2014 meeting to enable the consultant/project to commence in January 2015 and be completed by May 2015.

Given that the closing time to receive quotations is after the agenda closes for the December 2014 meeting, senior management will review the quotations received and table a report item at the Council Meeting for Council's consideration.

COUNCIL DECISION / OFFICER RECOMMENDATION

200/14 Moved Cr Trethowan, seconded Cr Pedler that Item 16.1 Review of Municipal Heritage Inventory be discussed.

CARRIED

8/0

AUTHOR: Phil Shephard – Town Planner

DATE: Monday, 8 December 2014

FILE NO: LP.PRG.1

ATTACHMENT: [16.1.1 Shire of Kojonup Municipal Heritage Inventory – Place List](#)
[16.1.2 Shire of Kojonup Municipal Heritage Inventory - Review List](#)
[16.1.3 Shire of Kojonup Municipal Heritage Inventory - List of Historic Sites](#)

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the quotes received from heritage consultants to complete a review of the Shire's existing Municipal Heritage Inventory and prepare a new heritage list for the new Local Planning Scheme.

BACKGROUND

The Shire's existing Municipal Heritage Inventory was prepared by O'Brien Planning Consultants in August 1997. Whilst the Shire has updated the Inventory since that time, the Inventory requires a review to comply with s.45 of the *Heritage of Western Australia Act 1990*.

The new Local Planning Scheme requires the Shire to prepare a heritage list of places to be protected by heritage scheme provisions in the future.

COMMENT

The *Heritage of Western Australia Act 1990* (s.45) requires the Shire of Kojonup to prepare and review a Municipal Inventory for the district as follows:

45. Local government to compile etc. inventory of buildings with cultural heritage significance

- (1) *A local government shall compile and maintain an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance.*
- (2) *The inventory required by subsection (1) shall be compiled no later than 4 years from the commencement of this Act and shall be:*
 - (a) *updated annually; and*
 - (b) *reviewed every 4 years after compilation.*
- (3) *A local government shall provide the Council with a copy of the inventory compiled pursuant to this section.*
- (4) *A local government shall ensure that the inventory required by this section is compiled with proper public consultation.*

The Shire of Kojonup Municipal Heritage Inventory is currently available in hard-copy only and comprises 56 places throughout the district (see attachment 16.1.1). The Inventory also includes 33 places which were recommended to be considered during this review (see attachment 16.1.2) and a List of Historic Sites (see attachment 16.1.3).

A number of the places included in the Municipal Heritage Inventory are also recorded on the Department of Aboriginal Affairs 'Register of Aboriginal Sites'. These sites represent their long-term occupation and use of the area. The *Aboriginal Heritage Act 1972* protects all Aboriginal sites and places whether or not they are registered.

Given the importance of having community input and local ownership of the heritage inventory, it is recommended that a Municipal Inventory Project Steering Committee be formed to assist the consultant during the review of the Inventory and preparation of new heritage list. The heritage consultant will ensure the Steering Committee is involved in the preparation and consideration of the recommendations and final report for this project.

It is recommended that the Steering Committee consists of the following persons:

- 2 Elected Members
- 3 Community Members
- Chief Executive Officer
- Development Services Coordinator
- Community Services Officer/Town Planner

The Shire of Kojonup will assist during the project including taking digital photographs of those places to be included in the Municipal Inventory; providing secretarial support for the review/preparation of the Place Record Forms; providing property and landowner information for the Place Record Forms; assist with accommodation and transport for site visits; and undertaking the necessary consultation processes on the draft Municipal Inventory with mail outs/local press etc. (the consultant will be available to answer questions and provide advice to any landowner whose property is proposed to be included in the Municipal Inventory).

The main objectives for the project are to:

- Undertake a review of the Shire's existing Municipal Heritage Inventory;
- Prepare a new Municipal Inventory; and
- Prepare a Heritage List for inclusion within the proposed new Local Planning Scheme.

The purpose of the review is to enable the Shire of Kojonup to:

- Reinforce the role of the Heritage List to promote preservation of properties, in contrast to the Local Government Heritage Inventory, which is to note places of significance;
- Refine the list of locations already identified on the Heritage List and Local Government Heritage Inventory;

- Establish a more robust Heritage List representing key buildings and places that the Shire wishes to preserve; and
- Allow for community input in the compilation of both lists.

The heritage consultant is required to make recommendation to the Shire of Kojonup on whether or not a place has sufficient historic value to be on the Municipal Inventory and/or Heritage List.

The project has been divided into four main tasks, as described below with Council's input into the tasks included:

- **Task 1: Project Inception and Review**
The heritage consultant will identify the number and name/addresses of those places to be included in the preparation of the Municipal Inventory for review and approval by Council.
- **Task 2: Preparation of new Municipal Inventory and Heritage List**
The heritage consultant will provide a Heritage List of those significant and important heritage places within the district recommended to be included in the new Local Planning Scheme that warrant protection under the Scheme for approval by Council.
- **Task 3: Consultation Phase**
The consultant will consider any submissions received during the consultation phase and provide a written report to Shire staff and the Project Steering Committee outlining any changes recommended to the draft Municipal Inventory and/or Heritage List resulting from the submissions.
- **Task 4: Final Report Preparation**
The heritage consultant will complete the final Municipal Inventory and Heritage List in accordance with the Council decision and submit the required copies to Shire staff.

During the process of completing the project, the consultant shall provide a short written report monthly outlining progress made and tasks to be completed to the Chief Executive Officer and Project Steering Committee. The report shall highlight any information required from the Shire and/or Project Steering Committee.

The proposed project commencement date will be in January 2015 and be completed by May 2015 (5 months). If for reasons beyond the control of the heritage consultant, the project is not completed within this timeframe, the Shire reserves the right to extend the contract at its absolute discretion beyond the 5 months.

The completed report shall be provided in both hard and electronic formats for use by the Shire. A copy of the completed Municipal Inventory will be sent to the State Heritage Office as required.

Quotations were sought from WALGA Heritage Advisory Services Preferred Supplier Panel members that offered services including preparation and/or review of Municipal Heritage Inventories.

The following information was required to be submitted with the quotation:

- A statement outlining the consultant's understanding of the brief and specifically an appreciation of the project and tasks.
- An outline of the consultant's approach to the project, including advice on community consultation and how best to engage with the community on heritage matters.
- Full details of the consultant and/or team members including CV's, experience, professional memberships etc. and details on their individual roles in the project.
- Details of two recent employers/clients, who may be contacted as referees.
- A detailed, tabulated quotation to complete the project covering all costs including office hours, travel, including a timetable for the project.
- A clear statement of the input required from the Shire.
- A commitment to meet the Shire's expected timeframe.
- An indication of the earliest possible time that the project could be commenced.
- Details of professional liability and public liability insurances held by the consultant.

The following criteria and weighting has been applied to the assessment of each quotation and the assessment was completed by 2 staff members:

Criteria	Weighting (%)
Understanding of Project	20
Ability to meet timeframe	20
Experience in preparing Municipal Inventories in WA	30
Cost/Value for money	30
Total	100%

The scores for the heritage consultants were as follows:

Consultant	Understanding of Project out of 20	Ability to meet timeframe out of 20	Experience in preparing MI's in WA out of 30	Cost/value for money out of 30	Total out of 100
History Now 52 Salisbury Street BAYSWATER WA 6053	18	18	26	25	87
Hocking Heritage Studio 156 Onslow Road SHENTON PARK WA 6008	18	18	26	24	86
Palassis Architects 353 Rokeby Road SUBIACO WA 6008	17	18	26	24	85
Helen Munt Heritage and Interpretation Consultant 21 Cayley Street GLENDALOUGH WA 6016	18	18	28	29	93
Laura Gray Heritage Intelligence PO Box 2 TWO ROCKS WA 6037	18	18	28	27	91
Stephen Carrick Architects Pty Ltd Stephen Carrick PO Box 578 SCARBOROUGH WA 6922	18	18	27	22	85
TPG Town Planning, Urban Design and Heritage PO Box 7375 Cloisters Square PERTH WA 6850	18	18	27	21	84

In dealing with the quotations, the Council has a number of options available at this stage and these implications are discussed below:

- 1) Defer consideration of the quotes/project and seek additional advice/make additional changes – the implications of this decision would be to delay the review until that information was provided or changes made; or
- 2) Not support the review or accept any quotation – the implications of this decision would mean that Council retains its outdated MHI that does not comply with the *Heritage of Western Australia Act 1990* (s.45) and may as a consequence see places of heritage value potentially damaged from inappropriate development; or
- 3) Support the review and accept a quotation and proceed to commence the project as set out in the brief – the implications of this decision would see Council complete a review of the existing MHI to comply with the *Heritage of Western Australia Act 1990* (s.45) and prepare a heritage list for the new Local Planning Scheme.

The recommendation from staff following the assessment completed is for Council to accept the quotation from Helen Munt Heritage and Interpretation Consultant and commence the project to review the Municipal Heritage Inventory and prepare a new Heritage List. The quotations were competitive and of a very high standard. The quotation from the recommended consultant was highlighted by overall project cost, previous experience as Great Southern Regional Heritage Advisor, local experience in working with Kojonup heritage sites and ability to use existing contact base. The lower scores were generally due to overall price and/or absence of regional or local experience.

CONSULTATION

Nil required at this stage. The project requires substantial public consultation to occur, particularly with landowners of affected properties.

STATUTORY REQUIREMENTS

Heritage of Western Australia Act 1990 - requires the Shire of Kojonup to prepare and review a Municipal Inventory for the district.

POLICY IMPLICATIONS

There are no policy implications from this report.

FINANCIAL IMPLICATIONS

\$20,000 for the consultant costs is included within the 2014/2015 budget. Council in adopting the Officers Recommendation will also have to allocate additional funds.

Using a heritage consultant on the WALGA Preferred Supplier Panel offers cost reductions on consultancy fees and disbursements and these organisations are exempt from tender regulation requirements.

STRATEGIC/CORPORATE IMPLICATIONS

The item is not covered in the Community Strategic Plan 2013 -2023.

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
Potential loss of heritage places due to inaccurate information in	Likely	Major	High	Senior management attention needed. Review and update MHI and prepare

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
existing MHI document.				heritage list for new TPS.
MHI not reviewed or updated by Council as required under s.45 of the Heritage of WA Act.	Unlikely	Minor	Low	Update MHI. To comply with Act.
No heritage list means that heritage places will not have statutory planning scheme protection.	Unlikely	Minor	Low	Prepare heritage list.

ASSET MANAGEMENT IMPLICATIONS

The item does not affect the Asset Management Plan. Some of the recommendations of the completed MI may affect Council owned buildings and this may impact on the Asset Management Plan. Further details will be provided to Council when known.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council:

- 1) Form a Municipal Inventory Project Steering Committee to assist the consultant during the review of the Municipal Heritage Inventory and preparation of new Heritage List. The heritage consultant will ensure the Steering Committee is involved in the preparation and consideration of the recommendations and final report for this project.

The Steering Committee consists of the following persons:

- 2 Elected Members
- 3 Community Members
- Chief Executive Officer
- Development Services Coordinator
- Community Services Officer/Town Planner

- 2) Appoint Cr _____ and Cr _____ as members and Cr _____ and Cr _____ as proxy members to the Municipal Inventory Project Steering Committee.
- 3) Seek nominations from the community and interested groups for positions on the Steering Committee.
- 4) Accept the quotation from Helen Munt Heritage and Interpretation Consultant of \$26,400 ex GST to complete the Review of the Municipal Heritage Inventory as set out in the consultant's brief for the project.
- 5) The budget allocation account number 5954 (Municipal Heritage Review) be increased by \$10,000 to \$30,000 with the additional funds being reallocated from account number C307 (Sporting Facilities Master Plan).
- 6) Advise other companies that submitted quotations they were unsuccessful and thank them for their submissions.

COUNCIL DECISION**201/14 Moved Cr Benn, seconded Cr Radford that Council:**

- 1) Form a Municipal Inventory Project Steering Committee to assist the consultant during the review of the Municipal Heritage Inventory and preparation of new Heritage List. The heritage consultant will ensure the Steering Committee is involved in the preparation and consideration of the recommendations and final report for this project.**

The Steering Committee consists of the following persons:

- **2 Elected Members**
 - **3 Community Members**
 - **Chief Executive Officer**
 - **Development Services Coordinator**
 - **Community Services Officer/Town Planner**
- 2) Appoint Cr Pritchard and Cr Trethowan as members and Cr Sexton and Cr Mathwin as proxy members to the Municipal Inventory Project Steering Committee.**
 - 3) Seek nominations from the community and interested groups for positions on the Steering Committee.**
 - 4) Accept the quotation from Helen Munt Heritage and Interpretation Consultant of \$26,400 ex GST to complete the Review of the Municipal Heritage Inventory as set out in the consultant's brief for the project.**
 - 5) The budget allocation account number 5954 (Municipal Heritage Review) be increased by \$10,000 to \$30,000 with the additional funds being reallocated from account number C307 (Sporting Facilities Master Plan).**
 - 6) Advise other companies that submitted quotations they were unsuccessful and thank them for their submissions.**

CARRIED BY ABSOLUTE MAJORITY**8/0****REASON FOR CHANGE: Councillors names were added.**

17 CONFIDENTIAL REPORTS**17.1 GOVERNANCE – DEED OF EASEMENT R & J GOODALL (OFFER OF PURCHASE)**

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
 DATE: Friday, 28 November 2014
 FILE NO: CP.ACD.2
 ATTACHMENT: **17.1 Confidential Report**

SUMMARY

Seek Council approval to accept counter offer from R & J Goodall for purchase of the Deed of Easement used by the Kojonup Tourist Railway Inc. (KTR) situated between Pensioner and Soldier Roads Kojonup.

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

202/14 Moved Cr Sexton, seconded Cr Benn that the meeting be closed to the public in accordance with s5.23 of the *Local Government Act 1995* to discuss:

- **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.**

CARRIED

8/0

3:27pm Cr Radford left the meeting.

COUNCIL DECISION

203/14 Moved Cr Sexton, seconded Cr Pritchard that:

- 1. Council accept R & J Goodall's counter offer of \$18,000 plus GST and cover both parties legal costs for the Deed of Easement consisting of 9247m² between Pensioner & Soldier Road, Kojonup – Certificate of Title Volume 1570 Folio 268 in accordance with the provisions of the *Local Government Act 1995*;**
- 2. The Land Acquisition & Development Reserve Account be utilised for this purchase;**
- 3. The Kojonup Tourist Railway Inc. is required to pay an annual charge of \$720 to the Shire of Kojonup over a period of 25 years commencing 1 July 2015 and be deposited into the Land Acquisition & Development Reserve; and**
- 4. Council continue its efforts to attract external funding in order to progress development of Farrar Reserve, Kojonup Tourist Railway and Kojonup as a Cultural, Heritage Tourism destination.**

CARRIED BY ABSOLUTE MAJORITY

7/0

COUNCIL DECISION / OFFICER RECOMMENDATION

204/14 Moved Cr Pedler, seconded Cr Mathwin that the meeting be reopened to the public.

CARRIED

8/0

18 **NEXT MEETING**

Tuesday, 17th February 2015 commencing at 3:00pm.

19 **CLOSURE**

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 3:40pm.

20 **ATTACHMENTS (SEPARATE)**

- Item 10.1 Monthly Statement of Financial Activity
- Item 10.2 Monthly Payment Listing 01/11/2014 – 30/11/2014
- Item 12.2.1 Existing Town Planning Scheme Policies
- Item 12.2.2 Draft new Town Planning Scheme Policies
- Item 13.2.1 Springhaven Management & Administration Policy & Procedure Manual
- Item 13.2.2 Springhaven Resident Care Policy and Procedure Manual
- Item 13.2.3 Springhaven Safety, Security, Cleaning, Laundry and Catering Policy and Procedure Manual
- Item 13.2.4 Springhaven Key Documents Policy and Procedure Manual
- Item 14.1 Unconfirmed Kodja Place Advisory Committee Minutes – Thursday 27th November 2014
- Item 16.1.1 Shire of Kojonup Municipal Heritage Inventory – Place List
- Item 16.1.2 Shire of Kojonup Municipal Heritage Inventory - Review List
- Item 16.1.3 Shire of Kojonup Municipal Heritage Inventory - List of Historic Sites
- Item 17.1 Confidential Report

Presiding Member

Date