

# SHIRE OF KOJONUP



## Council Minutes

***21<sup>st</sup> August 2007***

**SHIRE OF KOJONUP****AGENDA FOR THE COUNCIL MEETING HELD 21<sup>st</sup> AUGUST 2007****TABLE OF CONTENTS**

<b>1</b>	<b>DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS</b>	<b>3</b>
<b>2</b>	<b>ATTENDANCE, APOLOGIES &amp; LEAVE OF ABSENCE</b>	<b>3</b>
<b>3</b>	<b>PUBLIC QUESTION TIME</b>	<b>3</b>
<b>4</b>	<b>SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE</b>	<b>3</b>
<b>5</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>	<b>3</b>
<b>6</b>	<b>CONFIRMATION OF MINUTES</b>	<b>4</b>
<b>7</b>	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION</b>	<b>4</b>
<b>8</b>	<b>PETITIONS, DEPUTATIONS &amp; PRESENTATIONS</b>	<b>4</b>
<b>9</b>	<b>DECLARATIONS OF INTEREST</b>	<b>4</b>
<b>10</b>	<b>FINANCE REPORTS</b>	<b>4</b>
10.1	FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY	4
10.2	MONTHLY PAYMENTS LISTING	6
<b>11</b>	<b>ENGINEERING &amp; WORKS REPORTS</b>	<b>6</b>
<b>12</b>	<b>ECONOMIC &amp; ENVIRONMENTAL DEVELOPMENT REPORTS</b>	<b>7</b>
12.1	SUBDIVISION LOT 3072 CARROLUP RIVER ROAD KOJONUP: WAPC REFERENCE 135458	7
12.2	SUBDIVISION LOCATION 8390 TUNNEY ROAD KOJONUP: WAPC REFERENCE 135425	8
12.3	AMENDMENT TO GUIDED DEVELOPMENT PLAN LOT 101 SOLDIER ROAD KOJONUP: DYKSTRA PLANNING ON BEHALF OF NICK PAGANO PTY LTD	9
12.4	APPLICATION TO DEMOLISH OLD OP SHOP, ALBANY HIGHWAY, KOJONUP:	10
<b>13</b>	<b>CORPORATE &amp; COMMUNITY SERVICES REPORTS</b>	<b>12</b>
13.1	DISABILITY ACCESS AND INCLUSION PLAN 2007-2011	12
13.2	DISPOSAL OF LAND BY LEASE – LOC 162 BLACKWOOD ROAD	14
13.3	DELEGATIONS REGISTER REVIEW	16
<b>14</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	<b>18</b>
<b>15</b>	<b>NEW BUSINESS</b>	<b>18</b>
<b>16</b>	<b>CONFIDENTIAL REPORTS</b>	<b>18</b>
<b>17</b>	<b>NEXT MEETING</b>	<b>18</b>
<b>18</b>	<b>CLOSURE</b>	<b>18</b>
<b>19</b>	<b>APPENDICES AND TABLED DOCUMENTS</b>	<b>18</b>
<b>20</b>	<b>ATTACHMENTS</b>	<b>18</b>

**SHIRE OF KOJONUP****MINUTES****1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS**

The President declared the meeting open at 3.05pm alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points.

The President read the following statement:

*Disclaimer*

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

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

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

**2 ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE**

Cr Jill Mathwin	Shire President
Cr Jane Trethowan	Deputy Shire President
Cr John Benn	
Cr Pat Bunny	
Cr Will Carrington-Jones	
Cr Ernie Graham	
Cr Frank Pritchard	
Cr Geoff Thorn	
Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mr Craig McVee	Works Manager
Mrs Rosemary Cussons	Personal Assistant
Mrs Heather Marland	Senior Finance Officer

**APOLOGIES**

Cr Rosie Hewson	Leave of Absence
Cr Greg Marsh	Leave of Absence

**3 PUBLIC QUESTION TIME****4 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE****5 APPLICATIONS FOR LEAVE OF ABSENCE****COUNCIL DECISION**

**80/07                      MOVED Cr Thorn seconded Cr Benn that Leave of Absence be granted to Cr P Bunny for the period 13<sup>th</sup> September to 20<sup>th</sup> October 2007.**

**CARRIED****8/0**

**6 CONFIRMATION OF MINUTES**ORDINARY MEETING 17<sup>th</sup> July 2007

Corrections:

**COUNCIL DECISION**

**81/07                    MOVED Cr Pritchard seconded Cr Bunny that the Minutes of the Ordinary Meeting of Council held on 17<sup>th</sup> July 2007 be confirmed as a true record.**

**CARRIED****8/0**

*As a result of observations and advice from the Chief Executive Officer and the Manager for Health and Planning, Council became aware of the need to rescind Council Decision 71/07 of the Council Minutes of 19<sup>th</sup> July 2007 and replace it with a new motion that reflects Council Decision 71/07 but includes an amended point 3. The new motion to be moved at Item 15 'New Business of an urgent nature, introduced by a decision of the meeting.'*

**CORRECTION:**

*The date of the Council Meeting Minutes in the above paragraph should read 17<sup>th</sup> July 2007.*

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

- a) The Shire President thanked the Shire of Kojonup for sending the President and Chief Executive Officer to Local Government Week in August/September 2007.
- b) The Shire President attended 'Women in Local Government' seminar and has been nominated to be on a 5 member committee of the WA Branch of 'Women in Local Government'.
- c) Cr Pat Bunny has announced that she will not be standing for a further term on the Shire Council. The Shire President thanked Cr Pat Bunny for her time serving the community on the Kojonup Shire Council. Cr Bunny's contribution has been exceptional especially in the areas of Springhaven and Safer Kojonup Committees.
- d) The Shire President informed the meeting that Cr Thorn has announced he will not be standing at the next Local Government election. Cr Mathwin thanked Cr Thorn for his time served in local government and commented on the positive forthrightness, support and humour that always accompanied Cr Thorn's contribution to his work as a Shire Councillor.

**8 PETITIONS, DEPUTATIONS & PRESENTATIONS**

Nil

**9 DECLARATIONS OF INTEREST**

Nil

**10 FINANCE REPORTS****10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY**

AUTHOR:                    Kim Dolzadelli – Manager Corporate Services  
 DATE:                        Thursday, 16<sup>th</sup> August 2007  
 FILE NO:                    06.15.01  
 ATTACHMENTS:            Monthly Statement of Financial Activity

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

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

There are a number of separate attachments to this report, which also give 'overview' information as to the position of various items of Council's finances.

**BACKGROUND**

The new reporting requirements came into force from 1<sup>st</sup> July 2005.

**COMMENTS**

Extensive work has been completed in preparation for the completion of Annual Financial Statements for the 2006/07 year with only minor entries with respect to Loan Interest accruals, Employee Leave Provisions and Assets to be finalised.

Whilst final end of year entries are yet to be completed as shown above, the attached Statement of Financial Activity for the period 1 July 2006 to 30 June 2007 shows our project closing balance for the 2006/07 year to be extremely close the opening balance as adopted in the 2007/08 Budget.

The Statement of Financial Activity is being presented in very much the same format as the 2007/08 Budget, it is hoped that this consistency in presentation will result in a more reader friendly reporting system and with the added value of an increased ability to readily compare financial reports.

**CONSULTATION**

None necessary.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

None applicable.

**FINANCIAL IMPLICATIONS**

Occasionally Council may be asked to authorise certain budget amendments/variations by way of separate Senior Officer Reports, but those proposed variations will be taken into account in the monthly Financial Activities report. No amendments are being sought from Council.

**STRATEGIC IMPLICATIONS**

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

**VOTING REQUIREMENTS – SIMPLE MAJORITY****OFFICER RECOMMENDATION**

That the Monthly Financial reports, as attached, be accepted.

**COUNCIL DECISION**

**82/07                      MOVED Cr Benn seconded Cr Thorn that the Monthly Financial reports, as attached, be accepted.**

**CARRIED**

**8/0**

## 10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Senior Finance Officer – Heather Marland  
 DATE: 16<sup>th</sup> August 2007  
 FILE NO: 06.15.01  
 ATTACHMENT: Monthly Payment Listing

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To receive a list of payments made since the last similar list was received.

**BACKGROUND**

Not applicable.

**COMMENT**

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

**CONSULTATION**

No consultation was required.

**STATUTORY ENVIRONMENT**

Regulations 13 (2) of the Local Government (Financial Management Regulations) 1996 requires such a list to be “presented” whenever payments have been made under a delegated authority. (Reference Delegation #18).

**POLICY IMPLICATIONS**

Council’s Policy F3 provides authorities and restrictions relative to purchasing commitments.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

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

That the Payment Listing from 09/07/2007 to 15/08/2007 comprising of Municipal Cheques 9098 to 9185, EFTs 2478 to 2576 and Internal Payment Vouchers 1070 to 1114 totalling \$921,460.43 and as attached to this agenda, be received.

**COUNCIL DECISION**

**83/07**            **MOVED** Cr Trethowan seconded Cr Pritchard that the Payment Listing from 09/07/2007 to 15/08/2007 comprising of Municipal Cheques 9098 to 9185, EFTs 2478 to 2576 and Internal Payment Vouchers 1070 to 1114 totalling \$921,460.43 and as attached to this agenda, be received.

**CARRIED**

**8/0**

3.35pm Mrs Heather Marland left the Chamber

**12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS****12.1 SUBDIVISION LOT 3072 CARROLUP RIVER ROAD KOJONUP: WAPC Reference 135458  
AL KOWALD**

AUTHOR: Allan Mortimer  
DATE: 6<sup>th</sup> July 2007  
FILE NO: 14.06.01  
ATTACHMENT: Plan of Subdivision

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To consider a proposal to subdivide location 3072 Kojonup into two lots

**BACKGROUND**

All applications for subdivisions are submitted to, and determined by, the Western Australian Planning Commission (WAPC) after consultation with relevant stakeholders including local government. In commenting on an application, stake holders can recommend conditions for approval, or recommend that the application be refused, however, the WAPC is not bound to act on any recommendations so made.

A request for comment on a proposal to subdivide location 3072 has been received from WAPC. The subject land is zoned "Rural" under Council's Town Planning Scheme Number 3 and the subdivision will result in two lots, lot A being 48.413 hectares in area and lot B 119.34 hectares in area. Lot A will also contain the existing house and sheds.

**COMMENT**

Under Council's Town Planning Scheme Town Planning Policy No 11 "Application for Subdivisions", subdivisions in rural areas should result in lots no smaller than the prevailing lot sizes in the vicinity, and greater than 2 hectares in area, and that each block subdivided has a well made developed access to it.

A research of Council's property register indicates that there are lots in the immediate vicinity of a similar size to the proposed lots, and both lots will be accessed from Carrolup River Road.

**CONSULTATION**

There has been no consultation on this matter.

**STATUTORY ENVIRONMENT**

The proposal complies with Council's Town Planning Scheme No 3.

**POLICY IMPLICATIONS**

The proposal complies with Council's Town Planning Policy No 4.

**FINANCIAL IMPLICATIONS**

There are no financial implications.

**STRATEGIC IMPLICATIONS**

There are no strategic implications.

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

That Council advises the Western Australian Planning Commission that the proposed subdivision location 3072 Carrolup River Road, Kojonup complies with Council's requirements and therefore Council has no objections to the proposal.

**COUNCIL DECISION**

84/07            **MOVED** Cr Trethowan seconded Cr Thorn that Council advises the Western Australian Planning Commission that the proposed sub division location 3072 Carrolup River Road, Kojonup complies with Council's requirements and therefore Council has no objections to the proposal

**CARRIED****8/0**

12.2    **SUBDIVISION LOCATION 8390 TUNNEY ROAD KOJONUP: WAPC Reference 135425 GR FLEAY AND ELECTRICITY NETWORKS CORPORATION**

AUTHOR:            Allan Mortimer  
 DATE:                6<sup>th</sup> July 2007  
 FILE NO:            14.06.01  
 ATTACHMENT:      Plan of Subdivision

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To consider a proposal to subdivide location 8390 and amalgamate it with lot 1 for future expansion of the sub-station currently located on lot 1.

**BACKGROUND**

All applications for subdivisions are submitted to, and determined by, the Western Australian Planning Commission (WAPC) after consultation with relevant stakeholders including local government. The WAPC provides 42 days for comments to be received by the Commission. In commenting on an application, stake holders can recommend conditions for approval, or recommend that the application be refused, however, the WAPC is not bound to act on any recommendations so made.

A request for comment on the subdivision of part of location 8390 and amalgamate it with the current lot 1 Tunney Road (site of Western Power's sub-station) has been received from the WAPC. The additional land is required by Western Power for the further expansion of the sub-station.

The subject land is zoned "Rural" under Council's Town Planning Scheme Number 3 and the subdivision/amalgamation will result in two lots, one being 4.0273 hectares in area and the other 17.719 hectares in area.

**COMMENT**

Under Council's Town Planning Scheme Town Planning Policy No 11 "Application for Subdivisions", subdivisions in rural areas should result in lots no smaller than the prevailing lot sizes in the vicinity, and greater than 2 hectares in area, and that each block subdivided has a well made developed access to it.

Whilst the proposed 'lot A' may be smaller than other lots in the area, given that a public utility already exists on the lot to be amalgamated and that this precludes the new lot from being used for traditional rural activities, this is not viewed as an impediment to the proposed sub division.

**CONSULTATION**

There has been no consultation on this matter.

**STATUTORY ENVIRONMENT**

The proposal complies with Council's Town Planning Scheme No 3.

**POLICY IMPLICATIONS**

The proposal complies with Council's Town Planning Policy No 11.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications.

#### **STRATEGIC IMPLICATIONS**

There are no strategic implications.

#### **VOTING REQUIREMENTS – Simple Majority**

#### **OFFICER RECOMMENDATION**

That Council advises the Western Australian Planning Commission that the proposed sub division location 8396 Tunney Road, Kojonup complies with Council's requirements and therefore Council has no objections to the proposal.

#### **COUNCIL DECISION**

**85/07**

**MOVED Cr Thorn seconded Cr Carrington-Jones that Council advises the Western Australian Planning Commission that the proposed sub division location 8390 Tunney Road, Kojonup complies with Council's requirements and therefore Council has no objections to the proposal.**

**CARRIED**

**8/0**

#### 12.3 AMENDMENT TO GUIDED DEVELOPMENT PLAN LOT 101 SOLDIER ROAD KOJONUP: DYKSTRA PLANNING ON BEHALF OF NICK PAGANO PTY LTD

AUTHOR: Allan Mortimer – Environmental Health/Planning Consultant  
 DATE: 14<sup>th</sup> August 2007  
 FILE NO: 14.04.04  
 ATTACHMENT: Email and Proposed Amended Guided Development Plan

#### **DECLARATION OF INTEREST**

Nil

#### **SUMMARY**

To consider as an amendment to the Guided Development Plan for lot 101 Soldier Road Kojonup for the development of some lots to 'R5' standards rather than the 'R10/20' standard currently shown on Council's Town Planning Scheme maps.

#### **BACKGROUND**

At the Ordinary meeting of Council held 19<sup>th</sup> June 2007, Council adopted the proposed Guided Development Plan for lot 101 Soldier Road, Kojonup. Guided Development Plan (GDP) showed that some lots were to be developed as 'R5'. In the officer letter to Dykstra Planning which advised the company of Council's decision, it was pointed out that at sometime in the future, it would be necessary to rezone the subject lots as under Town Planning Scheme No 3 all lots were shown as 'R10/20' and without rezoning there would be a potential for further subdivisions. Dykstra Planning, via email, has asked whether Council would consider an amendment to the GDP adopted by Council allowing for some lots to be developed at 'R5' standards rather than 'R10/20'

#### **COMMENT**

Under the Town Planning Scheme No 3 clause 3.2.2 dealing with Residential Development Zones, sub-clause 3.2.2 (b) allows a variety of uses in the zone without the need to rezone the area where minor modifications are required to the GDP prior to the final subdivisions. A similar provision is made in the Western Australian Commission's draft 'Model Text Provisions for Structure Plans' as follows:

6.2.6.1 the local government may adopt a minor change to, or departure from, a Structure Plan if, in the opinion of the local government, the change or departure does not materially alter the intent of the Structure Plan.

The modification to the GDP requested by Dykstra Planning is the inclusion of point 5 on the GDP Subdivision/development notes as follows:

*Notwithstanding the current zoning of 'Residential 10/20' all lots within the area allocated as R5 on this plan shall be developed in accordance with R5 standards.*

This modification is considered minor as the document adopted by Council clearly indicated the intention of developing the subject lots as R5 but without the mechanism for so doing without a Scheme Amendment. This modification will provide the mechanism without the necessity of a lengthy and expensive procedure.

#### **CONSULTATION**

There has been no consultation on this matter. The original GDP was sent to various State Government Departments, and publicly advertised, seeking comments. The subject lots were clearly identified as being 'R5' both on the plan and in the text.

#### **STATUTORY ENVIRONMENT**

The proposal complies with Council's Town Planning Scheme No 3.

#### **POLICY IMPLICATIONS**

There are no policy implications.

#### **FINANCIAL IMPLICATIONS**

There are no known financial implications.

#### **STRATEGIC IMPLICATIONS**

There are no known strategic implications.

**VOTING REQUIREMENTS** – Simple Majority

#### **OFFICER RECOMMENDATION**

That Council adopt the modification to the Guided Development Plan for lot 101 Soldier Road, Kojonup for the inclusion of point 5 which states: "notwithstanding the current zoning of 'Residential 10/20' all lots within the area allocated as R5 on this plan, shall be developed in accordance with R5 standards" and that the proponent and the Western Australian Planning Commission be advised.

#### **COUNCIL DECISION**

**86/07**                    **MOVED** Cr Benn seconded Cr Thorn that Council adopt the modification to the Guided Development Plan for lot 101 Soldier Road, Kojonup for the inclusion of point 5 which states: "notwithstanding the current zoning of 'Residential 10/20' all lots within the area allocated as R5 on this plan, shall be developed in accordance with R5 standards" and that the proponent and the Western Australian Planning Commission be advised.

**CARRIED**

**8/0**

3.57pm Mr Craig McVee left the Chamber

*A letter was tabled from Kojonup Historical Society as referred to in the following Item 12.4*

12.4 APPLICATION TO DEMOLISH OLD OP SHOP, ALBANY HIGHWAY, KOJONUP:  
Mr N HARRIS

AUTHOR:                    Allan Mortimer – Environmental Health/Planning Consultant  
DATE:                        14<sup>th</sup> August 2007  
FILE NO:                    14.07.02

#### **DECLARATION OF INTEREST**

Nil

### **SUMMARY**

To consider an application for planning approval for the demolition of the old Op Shop adjacent to Harris's Garage, Albany Highway, Kojonup.

### **BACKGROUND**

An application has been received for planning approval for the demolition of the old Op Shop on Albany Highway. Given the potential heritage aspects of this building, Mr Harris was advised to submit a planning application for consideration by Council.

### **COMMENT**

The Op Shop is not currently listed on Council's Municipal Inventory. However, it is one of thirty three (33) premises which were to be considered again when the Heritage Inventory is revised.

The 33 premises were not initially included in the Inventory for the following reasons:

- Insufficient information available at this stage
- The consultants and local residents who assisted with the process did not consider that they had the same heritage significance as the places on the inventory list.
- The budget for the project was based on full documentation for 60 places

An inspection undertaken by staff showed the premises to be in a poor structural condition and in a state of partial demolition at the rear.

### **CONSULTATION**

Because of the potential heritage aspects of this building, the Kojonup Historical Society was asked to comment on the application. At the time of preparing this report, no written advice had been provided to Council, but verbal advice was received that the Society at the meeting held on 6<sup>th</sup> August 2007 considered that the premises had little or no heritage value. A letter has been requested from the Society and will form part of this report if received in time, otherwise it will be tabled at the Council Meeting.

### **STATUTORY ENVIRONMENT**

Compliance with Council's Town Planning Scheme No 3 and the Building Codes of Australia.

### **POLICY IMPLICATIONS**

There are no policy implications.

### **FINANCIAL IMPLICATIONS**

There are no known financial implications.

### **STRATEGIC IMPLICATIONS**

There are no known strategic implications.

### **VOTING REQUIREMENTS – Simple Majority**

### **OFFICER RECOMMENDATION**

That Council grant planning approval for the demolition of the Old Op Shop on Albany Highway adjacent to Harris's Garage and that the applicant, Mr N Harris, be advised that this is a planning approval only. A demolition licence must be obtained from Council prior to demolition work being undertaken.

### **COUNCIL DECISION**

<b>87/07</b>	<b>MOVED</b> Cr Carrington-Jones seconded Cr Thorn that Council grant planning approval for the demolition of the Old Op Shop on Albany Highway adjacent to Harris's Garage and that the applicant, Mr N Harris, be advised that this is a planning approval only. A demolition licence must be obtained from Council prior to demolition work being undertaken.
--------------	--

**CARRIED****8/0**

4.00pm Mr Allan Mortimer left the Chamber

**13     CORPORATE & COMMUNITY SERVICES REPORTS****13.1   DISABILITY ACCESS AND INCLUSION PLAN 2007-2011**

AUTHOR:                 Rosemary Cussons – Community Development Assistant  
DATE:                    14<sup>th</sup> August 2007  
FILE NO:                03.01.05  
ATTACHMENT:            Shire of Kojonup Disability Access and Inclusion Plan 2007-2011

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To endorse the final Shire of Kojonup Disability Access and Inclusion Plan 2007-2011, as attached to the agenda.

**BACKGROUND**

The Western Australian Disability Services Act 1993, (as amended in 2004) requires Local and State Government authorities to develop and implement a Disability Access and Inclusion Plan (DAIP) that will further both the principles and the objectives of the Act.

For the purposes of developing a plan this will mean ensuring that people with disabilities can access services provided by Local Governments in Western Australia and that these services facilitate increased independence, opportunities and inclusion for people with disabilities in the community.

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

- Develop a DAIP which:
  - furthers the principles and objectives of the Act; and
  - meets the six standards in Schedule 2 of the Disability Services Regulations 2004;
- Lodge the finalised plan by 31<sup>st</sup> July 2007;
- Take all practicable measures to ensure that the plan is implemented by the Local Government, its officers, employees, and relevant agents and contractors;
- Review its plan at least every five years;
- Undertake public consultation, as specified in the regulations, when preparing, reviewing or amending its plan;
- Lodge review reports, amended plans or new plans with the Disability Services Commission;
- Report to the Commission by 31 July each year about:
  - progress made by the Local Government in achieving the desired outcomes in Schedule 3 of the regulations;
  - progress made by the agents and contractors of the Local Government in achieving the desired outcomes in Schedule 3 of the regulations; and
  - the strategies used by Local Government to inform its agents and contractors about its plan; and
- Lodge review reports, amended plans or new plans with the Disability Services Commission.

**COMMENT**

At its meeting of 19<sup>th</sup> June 2007, Council made the following Decision:

*.... that Council receive and note the draft of the Disability Access and Inclusion Plan and arrangements be made to send the draft to all contributors and interested community members for comment, and the final consultation process be presented to the Council meeting on Tuesday 18<sup>th</sup> July 2007.*

*Note Correction: the date should read Tuesday 17<sup>th</sup> July 2007.*

Due to the circulation of the Disability Access and Inclusion Plan (DAIP) to interested community members and contributors within a limited time frame, it was necessary to place the closing date of the comment period after the Council Meeting of 17<sup>th</sup> July 2007.

Three submissions were received by the closing date of 23<sup>rd</sup> July 2007. These submissions were communicated to the contracted consultants E-QUAL for suggested inclusion in the plan.

The completed Disability Access and Inclusion Plan was lodged with the Disability Services Commission before 31<sup>st</sup> July 2007. A letter of acknowledgement from the A/Director General of the Disability Services Commission, Dr Ron Chalmers states:

*Your DAIP meets the requirements of the Disability Services Act 1993. This commitment to the needs of the people with disabilities by the Shire of Kojonup is to be commended and I wish you success in the plan's implementation.*

#### **CONSULTATION**

As part of the development of the Plan those people with disabilities, and interested community members who had initially been contacted to help form the plan, were distributed a copy of the final draft Plan for comment. The opportunity for final comment was also advertised in the Kojonup News for any community person wishing to contribute and copies were available from the Shire Office.

#### **STATUTORY ENVIRONMENT**

There are no known Statutory Implications.

#### **POLICY IMPLICATIONS**

There are no known Policy Implications.

#### **FINANCIAL IMPLICATIONS**

The total cost in completing the Plan is expected to be \$9,240.00.  
\$5,000.00 was obtained from grant funds.

#### **STRATEGIC IMPLICATIONS**

Disability access and inclusion issues are of high importance to the Council, and carry not only a large social, but financial implication. Strategic planning and development of actions to develop relevant strategies and make Kojonup a safer place to live will have positive impact on our residents and their surrounds.

#### **VOTING REQUIREMENTS – Simple Majority**

#### **OFFICER RECOMMENDATION**

That the Shire of Kojonup Disability Access and Inclusion Plan 2007-2011, be endorsed by Council.

#### **COUNCIL DECISION**

**88/07                      MOVED Cr Carrington-Jones seconded Cr Bunny that the Shire of Kojonup Disability Access and Inclusion Plan 2007-2011, be endorsed by Council.**

**CARRIED**

**8/0**

- 13.2 DISPOSAL OF LAND BY LEASE – LOC 162 BLACKWOOD ROAD  
 AUTHOR: Kim Dolzadelli – Manager Corporate Services  
 DATE: Thursday, 16 August 2007  
 FILE NO: 01.04.02

#### DECLARATION OF INTEREST

Nil

#### SUMMARY

To dispose of land, Loc 162 Blackwood Road, by lease for a period commencing 29<sup>th</sup> August 2007 and expiring 15<sup>th</sup> of February 2008. The land is approximately 35 hectares in area.

#### BACKGROUND

The lease of Loc 162 Blackwood Rd was granted to the Kojonup Football Club until 11<sup>th</sup> May 2007. The lease gave the opportunity to crop or graze, however, the Shire has been made aware of issues with restrictions on stocking rates and the timeframe for exercising the lease that have limited some of the proposed activities, and increased the fire hazard at various stages.

The Kojonup Football Club had already submitted a request to extend the lease. Although a desire for this renewal option was part of their initial submission to Council in 2005, Council resolved (141/05) to provide a lease for two years only.

At the meeting of Council 19<sup>th</sup> June 2007, Council was asked to consider any conditions of use for Loc 162 Blackwood Rd Kojonup, prior to expression of interest being sought for lease of the land and made the following resolution:

*... that the Chief Executive Officer be authorised to call for expressions of interest for a grazing lease of Loc 162 Blackwood Road Kojonup until 15 February 2008.*

#### COMMENT

Expressions of Interest were advertised 6<sup>th</sup> July 2007 in Kojonup News for the grazing lease of Lot 162 Blackwood Road, Kojonup. The advertised lease period to commence end of August 2007 and expire end of February 2008.

The fact is that the term of lease will only be from end of August 2007 and expire 15<sup>th</sup> February 2008. To this end it is proposed that the financial consideration offered be adjusted on a pro rata basis taking into account the shorten term of lease.

Expressions of interest closed 4.00pm, Thursday 26<sup>th</sup> July 2007 with the following Expressions received:

<u>Name</u>	<u>Comments</u>	<u>Financial Offer</u>	<u>Pro rata Basis</u>
Gary Cavanagh	Lease as is	\$2200	\$2016
Kojonup Football Club	Lease as is	\$1400	\$1283
Colin Clark	Lease as is	\$700	\$641
JD & RE Potter Submission 1	Short term lease as is	\$1100	\$1008
JD & RE Potter Submission 2	Long term – if not successful in acquiring new lease after expiry	\$1260	

	(28.02.08) would like to recoup cost of selective weed control Approx. \$600 from Shire		\$1155
--	---	--	--------

**CONSULTATION**

None required

**STATUTORY ENVIRONMENT**

Section 3.58 of the Local Government Act 1995

**POLICY IMPLICATIONS**

There are no known Policy Implications.

**FINANCIAL IMPLICATIONS**

The lease will generate nominal income for the Shire.

**STRATEGIC IMPLICATIONS**

The lease will manage the fire risk on the Shire property and for the adjacent industrial estate.

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

1. That the offer from the Gary Cavanagh to lease the land at Location 162 Blackwood Road, Kojonup be accepted with a variation to the submitted financial consideration of \$2200 to \$2016 for a term commencing 29<sup>th</sup> August 2007 and expiring 15<sup>th</sup> February 2008.
2. That the Chief Executive Officer be authorised to execute the lease agreement with the following conditions:
  - a) That the lessee accepts the property on 'as is' basis;
  - b) Council will not be liable for any issues arising from fencing and containment of stock;
  - c) That the lessee is responsible for minimising any fire hazard and complying with any relevant conditions of the fire break order;
  - d) That 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.

**COUNCIL DECISION**

89/07

**MOVED Cr Benn seconded Cr Pritchard**

1. That the offer from the Gary Cavanagh to lease the land at Location 162 Blackwood Road, Kojonup be accepted with a variation to the submitted financial consideration of \$2200 to \$2016 for a term commencing 29<sup>th</sup> August 2007 and expiring 15<sup>th</sup> February 2008.
2. That the Chief Executive Officer be authorised to execute the lease agreement with the following conditions:
  - a) That the lessee accepts the property on 'as is' basis;
  - b) Council will not be liable for any issues arising from fencing and containment of stock;
  - c) That the lessee is responsible for minimising any fire hazard and complying with any relevant conditions of the fire break order;

- d) That 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.

LOST

1/7

**COUNCIL DECISION**

**90/07      MOVED Cr Trethowan seconded Cr Thorn**

1. That the Kojonup Football Club be offered to lease the land at Location 162 Blackwood Road, Kojonup be accepted with a variation to the submitted financial consideration of \$1400 to \$1283 for a term commencing 29<sup>th</sup> August 2007 and expiring 15<sup>th</sup> February 2008.
2. That the Chief Executive Officer be authorised to execute the lease agreement with the following conditions:
  - a) That the lessee accepts the property on 'as is' basis;
  - b) Council will not be liable for any issues arising from fencing and containment of stock;
  - c) That the lessee is responsible for minimising any fire hazard and complying with any relevant conditions of the fire break order;
  - d) That 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.

CARRIED

7/1

*Reason for Change: Council assessed greater value in supporting a local community group than possible extra \$800 income that could be received if the lease was awarded solely on a financial basis.*

## 13.3 DELEGATIONS REGISTER REVIEW

AUTHOR: Stephen Gash – Chief Executive officer  
 DATE: Thursday, 16<sup>th</sup> August 2007  
 FILE NO: 01.03.03  
 ATTACHMENT: Delegations Register

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Council is being asked to consider the adoption of the reviewed Delegation Register.

**BACKGROUND**

The Council of the Shire of Kojonup has resolved to adopt and delegate the functions referred to within this Delegations Manual to the Chief Executive Officer.

Section 5.42, Local Government Act 1995 provides for the delegation of some powers and duties to CEO as follows:

- (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.*

The Local Government Act 1995, Section 5.46 (3), requires that a person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty. Further Regulation 19 of the Local Government (Administration) Regulations requires that where a power or duty has been delegated under the Act to the Chief Executive Officer or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of:

- a) How the person exercised the power or discharged the duty;
- b) When the person exercised the power or discharged the duty; and
- c) The persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

The Council has delegated various functions to the Chief Executive Officer. In turn some of those delegations have been sub delegated to senior officers and these are shown in each delegation.

In addition certain functions empowered to the Chief Executive Officer by the Act have been also been sub delegated to senior officers.

#### **COMMENTS**

The Delegations Register has been completely reviewed to remove unnecessary delegations that are covered by statutory obligations of officers or more appropriately enacted through policies, or the concept of “acting through”, as outlined in the Department of Local Government and Regional Development Guidance notes on delegations.

Furthermore the format of the Delegations Register has been changed to allow better document control and a stand alone instrument for each delegation. The register has also been changed to reflect changes to the tender regulations and all delegations reviewed to ensure they are aligned with existing policies and practices of the Shire.

#### **CONSULTATION**

Mr John Gilfellow was engaged to assist the Council early in the year to review previous delegations and Council officers further reviewed the content and formatting over the following 6 months.

#### **STATUTORY ENVIRONMENT**

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

#### **POLICY IMPLICATIONS**

None applicable.

#### **FINANCIAL IMPLICATIONS**

Nil

#### **STRATEGIC IMPLICATIONS**

Nil.

#### **VOTING REQUIREMENTS – ABSOLOUTE MAJORITY**

#### **OFFICER RECOMMENDATION**

That the amended Delegation Register, as attached, be adopted.

#### **COUNCIL DECISION**

- 91/07            **MOVED** Cr Thorn seconded Cr Pritchard that the amended Delegation Register, as attached, be adopted excluding Delegation Reference No. Health 001 and, within the context of Delegation Health 003, the Environmental Health Officer replace the Chief Executive Officer under the heading 'Power/Duty'.

CARRIED

8/0

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

Nil

15    **NEW BUSINESS**

of an urgent nature, introduced by a decision of the meeting

**COUNCIL DECISION**

- 92/07            **MOVED** Cr Trethowan seconded Cr Thorn that motion 71/07 passed by Council on 17<sup>th</sup> July 2007 be rescinded.

By absolute majority

CARRIED

8/0

**COUNCIL DECISION**

- 93/07            **MOVED** Cr Thorn seconded Cr Trethowan that Council approves the construction of an access ramp for the Bankwest building at 112 Albany Highway Kojonup subject to the following conditions:

1. Bankwest indemnifies Council against any claims which may arise due to the positioning or use of the ramp.
2. The planning development fee of \$117.00 be paid to Council prior to commencement of any construction.
3. A memorial be placed on the Certificate of Title of the Bankwest building requiring a similar indemnity from any future owners of the building.

CARRIED

8/0

*Reason for Change: The appropriate instrument for the recording of conditions should have been "Memorial".*

16    **CONFIDENTIAL REPORTS**

17    **NEXT MEETING**

18<sup>th</sup> September 2007 commencing at 3:00pm.

18    **CLOSURE**

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 4.35pm.

19    **APPENDICES AND TABLED DOCUMENTS**

Letter from Kojonup Historical Society as referred to in Item 12.4

20    **ATTACHMENTS**

- Item 10.1        Monthly Statement of Financial Activity  
 Item 10.2        Monthly Payment Listing  
 Item 12.1        Plan of subdivision loc 3072 Carrolup River Rd Kojonup  
 Item 12.2        Plan of subdivision loc 8390 Tunney Road Kojonup

- Item 12.3      Email and Proposed Amended Guided Development Plan
- Item 13.1      Disability Access and Inclusion Plan
- Item 13.3      Delegations Register

---

Presiding Member

---

Date