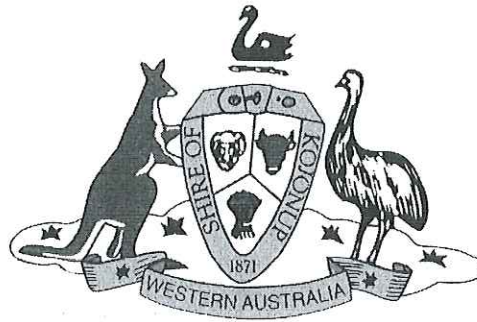


SHIRE OF KOJONUP



Council Agenda

11th February 2014

TO: THE SHIRE PRESIDENT AND COUNCILLORS

NOTICE is given that a meeting of the Council will be held in Council Chambers, Administration Building Albany Highway, Kojonup on Tuesday 11th February 2014 commencing at 3:00pm.

Qualified Persons Advice etc.

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

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

Your attendance is respectfully requested.

RICK MITCHELL-COLLINS
CHIEF EXECUTIVE OFFICER

7 February 2014

SHIRE OF KOJONUP**AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 11th February 2014****TABLE OF CONTENTS**

1	DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS	3
2	ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE	3
3	SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	3
4	PUBLIC QUESTION TIME	4
5	APPLICATIONS FOR LEAVE OF ABSENCE	4
6	CONFIRMATION OF MINUTES	4
7	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	4
8	PETITIONS, DEPUTATIONS & PRESENTATIONS	5
9	DECLARATIONS OF INTEREST	5
10	CORPORATE SERVICES REPORTS	6
10.1	FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY	6
10.2	MONTHLY PAYMENTS LISTING	8
11	WORKS & ENGINEERING REPORTS	10
11.1	FORRESTER & KESTON VALE – ROAD NAME CHANGE	10
12	COMMUNITY & REGULATORY SERVICES REPORTS	14
12.1	FINAL APPROVAL OF TOWN PLANNING SCHEME No. 3 – AMENDMENT No. 10 TO CHANGE RESERVE CLASSIFICATION FOR LOT 3 (No. 32) SPRING STREET, KOJONUP	14
12.2	PROPOSED ADDITIONS TO ‘GLEN LOSSIE’ HOMESTEAD LOT 6 ALBANY HIGHWAY, KOJONUP	19
12.3	PROPOSED CO-LOCATED DAY CARE, PLAYGROUP & TOY LIBRARY FACILITY	31
13	EXECUTIVE & GOVERNANCE REPORTS	36
13.1	SPRINGHAVEN BOND RELEASE POLICY	36
13.2	MOTOR VEHICLE USE – SHIRE PRESIDENT	39
13.3	WALGA – VACANCIES ON BOARDS AND COMMITTEES – WESTERN AUSTRALIA PLANNING COMMISSION (WAPC)	41
13.4	KOJONUP INDUSTRIAL ESTATE – OFFER OF PURCHASE	43
13.5	KOJONUP TOURIST ASSOCIATION INC. – MEMORANDUM OF UNDERSTANDING (COMPLIANCE)	47
14	COMMITTEES OF COUNCIL	49
15	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	49
16	NEW BUSINESS	50
16.1	EXPRESSION OF INTEREST – KOJONUP MAIN STREET RENEWAL STRATEGY & DEVELOPMENT PLAN	50
17	CONFIDENTIAL REPORTS	51
17.2	SPRINGHAVEN AGED CARE FACILITY UPDATE NO: 3	51
18	NEXT MEETING	53
19	CLOSURE	53
20	ATTACHMENTS (SEPARATE)	53

A G E N D A

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

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

Disclaimer

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

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

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

2 ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

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

Mr Rick Mitchell-Collins	Chief Executive Officer
Mr Anthony Middleton	Manager of Corporate Services
Mr Mort Wignall	Manager of Regulatory & Community Services
Miss Dominique Hodge	Personal Assistant to the CEO
Ms Joanne Macri	Community Services Officer
Miss Sophie Knight	Policy, Planning & Governance Officer

APOLOGIES

3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

8 PETITIONS, DEPUTATIONS & PRESENTATIONS

9 DECLARATIONS OF INTEREST

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

AUTHOR: Anthony Middleton – Manager of Corporate Services

DATE: Monday, 3 February 2014

FILE NO: FM.FNR.2

ATTACHMENT: 10.1 Monthly Statement of Financial Activity

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to note the Monthly Financial Statements for the period ending 31 December 2013.

BACKGROUND

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

COMMENTS

The attached Statement of Financial Activity for the period of 1st July 2013 to 31st December 2013 represents six (6) months, or 50% of the year. The following items are worthy of noting:

- 53% of budgeted operating revenue received and 43% of budgeted operating expenditure spent (note – no depreciation raised as yet);
- 17.6% of total rates collectable are outstanding (this figure includes previous years arrears and instalments); and
- Cash holdings of \$4.35m of which \$2.47m is held in cash backed reserve accounts.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Draft 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

VOTING REQUIREMENTS

Simple Majority

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Brodie Hueppauff – Finance Officer
DATE: Wednesday, 5 February 2014
FILE NO: FM.AUT.1
ATTACHMENT: 10.2.1 Monthly Payment Listing 01/12/2013 – 31/12/2013
10.2.2 Monthly Payment Listing 01/01/2014 – 31/01/2014

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments that were made from 1st December 2013 to 31st January 2014.

BACKGROUND

Not applicable.

COMMENT

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

CONSULTATION

No consultation was required.

STATUTORY ENVIRONMENT

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

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

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

All payments made in line with Council Policy.

STRATEGIC IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

11 WORKS & ENGINEERING REPORTS

11.1 FORRESTER & KESTON VALE – ROAD NAME CHANGE

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Tuesday, 4 February 2014
FILE NO: RO.ROA.051 & RO.ROA.052
ATTACHMENT: 11.1 Summary of Submissions
11.2 Highlighted Map of Roads

DECLARATION OF INTEREST

Nil

SUMMARY

To consider submissions received on the proposed change of name of the west portion of Forrester Road to Keston Vale Road.

BACKGROUND

At its meeting held on 15 October 2013 the Council resolved that:

- 1. The request from Rob and Jen Warburton to change the name of the west portion of Forrester Road to Keston Vale Road be supported;**
- 2. The proposed road name change be advertised in the Kojonup News seeking community comment; and**
- 3. Subject to no adverse comments being received, the Geographic Names Committee be requested to change the name of the west portion of Forrester Road to Keston Vale Road in the Shire of Kojonup**

COMMENT

As part of the community consultation undertaken by the Shire to enable wider community input on this issue, four adverse comments and two supporting comments were received and therefore this item has been returned to Council for consideration.

CONSULTATION

Significant community consultation has occurred through The Kojonup News and also in the Shire e-news.

STATUTORY REQUIREMENTS

The Land Administration Act 1997 applies to this item.

POLICY IMPLICATIONS

There are no known policy implications.

FINANCIAL IMPLICATIONS

There are only minor financial implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

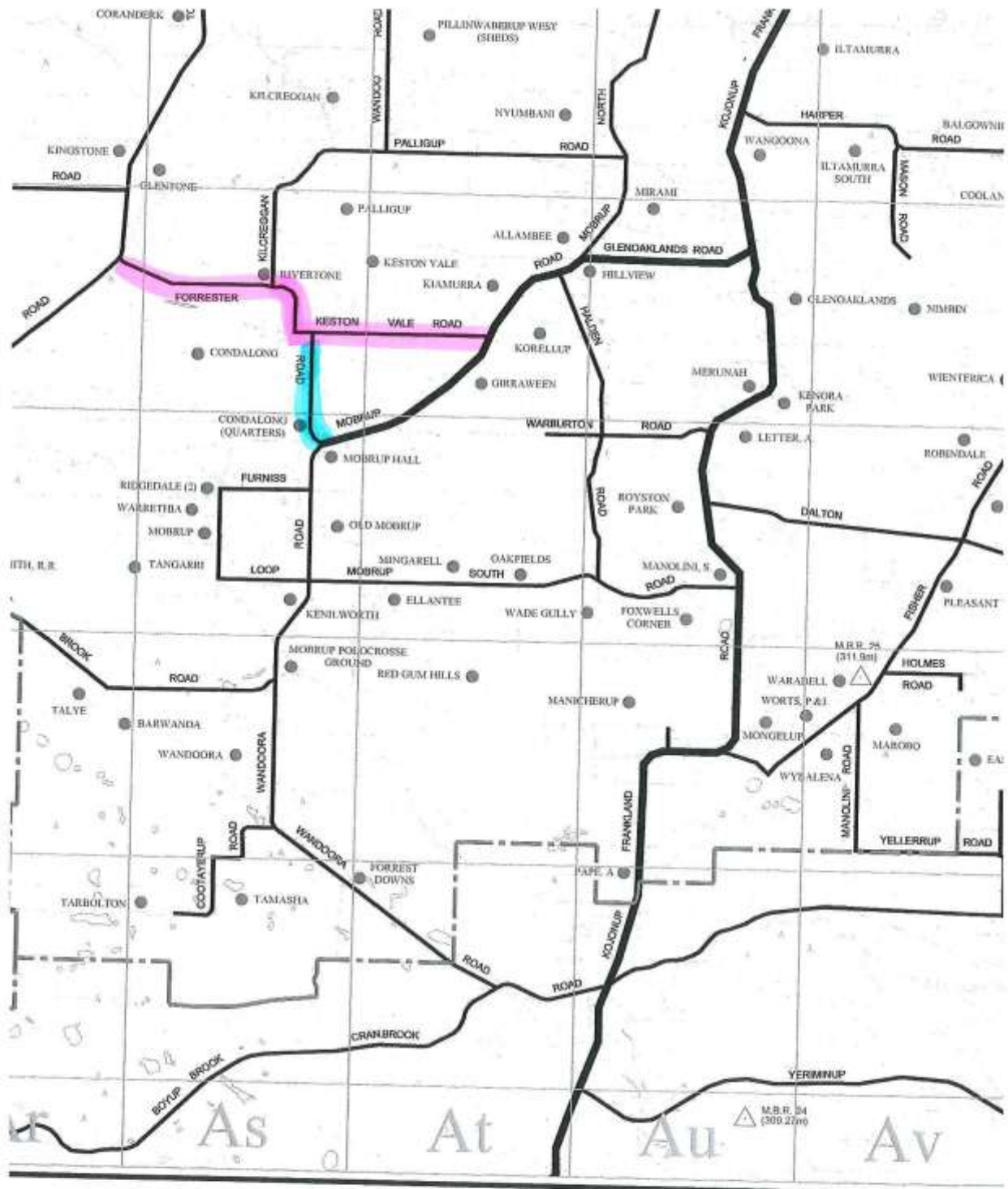
VOTING REQUIREMENTS

Simple Majority

Shire of Kojonup – Forrester & Keston Vale – Road Name Change

Summary of Submissions

ICR	Name of Submitter	Summary of Submission
	R & J Warburton	Keston Vale Rd turns into Forrester Rd, and then another Forrester Rd actually leads off Forrester Rd! A suggestion would be that the entire Forrester Rd needs to be called Keston Vale Rd and then retain the Forrester Rd leading off towards the Mobrup Hall.
14798	R Fryer-Smith	<ol style="list-style-type: none"> 1. No public discussion in the Mobrup District about the changes. 2. Road names are a part of the history of the families, farms and landmarks adjacent to that Road. 3. People only get lost when the name of the Road changes. 4. Renaming causes confusion and makes it hard to direct traffic. 5. Waste of taxpayer's money. 6. Not one good reason why this Road should have a name change.
14742	W & J Harvey (nee Forrester)	Forrester Rd initially formed to connect the lower Tone Rd to the Mobrup Hall and beyond. It followed the boundary of the Forrester property for almost its entire distance. No logic or reason to contemplate any name change.
14715	N Forrester	Forrester Rd represents a part of history in the Mobrup area and also represents very important and significant memories for my family.
12342	JS Hewson & Co	Initial support for renaming of Glenoaklands, Mobrup and Wandoorra Roads and questioned why Keston Vale and Forrester Rds not addressed at the same time by Council.
14881	I Forrester	Forrester Rd represents a part of history in the Mobrup area and also represents very important and significant memories for all the Forrester families.



IONUP

LEGEND:

SEALED ROADS.....	—————
FORMED ROADS.....	—————
VEHICULAR TRACKS.....	-----
RAILWAY RESERVE.....	+++++
HOMESTEADS.....	●

Dorrigton (head) 8A1 Glentone 13A6 Androo 8A1 Keston Vale 11A6 Murrumbidgee

12 COMMUNITY & REGULATORY SERVICES REPORTS**12.1 FINAL APPROVAL OF TOWN PLANNING SCHEME No. 3 – AMENDMENT No. 10 TO CHANGE RESERVE CLASSIFICATION FOR LOT 3 (No. 32) SPRING STREET, KOJONUP**

AUTHOR: Phil Shephard – Town Planner
DATE: Tuesday, 14 January 2014
FILE NO: LP.PLN.17
ATTACHMENT: 12.1.1 Schedule of Submissions
12.1.2 Copy of Submissions

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the submissions received from the advertising of the draft scheme amendment and determine whether to seek final approval, or not, to the amendment.

The scheme amendment proposes to change the local scheme reserve classification from Recreation to Public Purposes to facilitate the development of a future medical centre on the site.

The recommendation is to note the submissions received and seek final approval to the amendment.

BACKGROUND

Council at its 23 July 2013 meeting (Resolution: 109/13) resolved to initiate the scheme amendment as follows:

That Council pursuant to section 75 of the Planning and Development Act 2005 hereby resolves to initiate Amendment No. 10 to the Shire of Kojonup Town Planning Scheme No. 3 to amend the scheme as follows:

- a) Remove Lot 3 (No. 32) Spring Street, Kojonup from the Recreation Reserve and include it within the Public Purposes Reserve.*
- b) Amend the face of the Scheme Map accordingly.*

The amendment document was completed by staff and referred to the Environmental Protection Authority (EPA) for their assessment as required under the *Planning and Development Act 2005*. They advised of their decision ‘scheme amendment not assessed (no appeals)’ on 4 November 2013 and the amendment was then advertised for public submissions and referred to relevant government agencies and adjoining/nearby landowners with an invite to provide comments.

COMMENTS

The scheme amendment proposal seeks to change the scheme reserve to Public Purposes to better reflect the future intention to construct a medical centre on the site.



Lot 3 (No. 32) Spring Street, Kojonup (outlined in yellow)

At the close of the advertising period, a total of 10 submissions were received. A Schedule of Submissions is attached to this report which includes a summary of the submissions and a recommendation on each submission for consideration.

No submissions were received objecting to the proposed scheme amendment. The submissions advise of:

- Future infrastructure servicing requirements (electricity, sewer, water supply, fire hydrants, telecommunications etc) for development of the lot;
- Support from the Great Southern Development Commission for the project; and
- The Shire's obligations under the *Aboriginal Heritage Act 1972* and known Aboriginal heritage within the adjoining Kojonup Spring area.

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

The decision of the Council on the scheme amendment at this stage is effectively a recommendation to the WA Planning Commission, who will assess the amendment and process, and subsequently provide a recommendation to the Minister for Planning on whether to approve or refuse final approval to the amendment.

CONSULTATION

The scheme amendment has been advertised in accordance with the Planning and Development Act/Regulations for submissions for a period of 51-days (20 November 2013 - 9 January 2014). This exceeded the minimum 42-day advertising period requirement.

This included giving notice of the amendment during the submission period as follows:

- Notice displayed on-site (22/11/13 – 10/1/2014).
- Notice displayed on Notice Board at Shire Office (20/11/2013 – 10/1/2014).
- Advertised proposal in the Great Southern Herald (28/11/2013 & 5/12/2013) and The Kojonup News (6/12/2013 & 20/12/2013).
- Directly referred the amendment document and a request for submissions to adjoining/nearby landowners.

- Directly referred the amendment document and a request for submissions to government agencies including: Water Corporation, Telstra, Western Power, Department of Health, Central Great Southern Health Service, Great Southern Development Commission, State Heritage Office, Department of Fire and Emergency Services and Department of Aboriginal Affairs.
- Provided details on the proposed scheme amendment for inspection at the Shire Office.
- Included details on the proposed scheme amendment on the Shire website.

STATUTORY ENVIRONMENT

- *Planning and Development Act 2005* – The Shire of Kojonup Town Planning Scheme No. 3 is an operative Local Planning Scheme under the Act.
- *Town Planning Regulations 1967* – The Regulations sets out the procedure for amending a town planning scheme.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Advertising and referral costs are covered within the Shire's adopted budget.

STRATEGIC IMPLICATIONS

The completion of the scheme amendment will assist the Council to progress a number of commitments from Being Healthy area of the Community Strategic Plan 2013 - 2023.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

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

COUNCIL DECISION

/14 Moved Cr

, seconded Cr

CARRIED/LOST

/

SHIRE OF KOJONUP TOWN PLANNING SCHEME No. 3 - AMENDMENT No. 10				
SCHEDULE OF SUBMISSIONS				
No.	Name/Address of Submitter	Summary of Submission	Planning Comment	Submission Recommendation
1	Environmental Protection Authority Locked Bag 33 Cloister's Square PERTH WA 6850 (Government agency)	Scheme amendment not required to be formally assessed and not necessary to provide any advice or recommendations.	Nil.	The submission be noted.
2	IF & R Camden 27 Spring Street KOJONUP WA 6395 (Nearby landowner)	No objection and pleased with progress/location towards new medical centre being established.	The submitters support the proposed scheme amendment.	The submission be upheld.
3	Western Power GPO Box L921 PERTH WA 6842 (Government agency)	Advise proposal has been included in their planning database for future review of network capacity requirements. This enables them to plan for future supply/capacity increases from developments using the network.	The future development will require connection to Western Power's electricity infrastructure network.	The submission be noted.
4	Telstra (Forecasting & Area Planning) Locked Bag 2525 PERTH WA 6001 (Government agency)	No objection. Advise network extension will be required for any development on the site.	The future development will require connection to Telstra's and NBN telecommunications infrastructure.	The submission be noted.
5	Department of Fire & Emergency Services 10 Hercules Crescent ALBANY WA 6330 (Government agency)	Recommend an additional fire hydrant point be installed adjacent to the southern boundary of Lot 3 to provide additional fire protection to the hospital and future medical centre.	The recommendation is supported and an additional fire hydrant point should be installed adjacent to the southern boundary of Lot 3. This would be provided within the Water Corporations' reticulated water supply network.	The submission be noted.
6	Department of Health PO Box 8172 PERTH BC WA 6849 (Government agency)	Advise development is required to connect to scheme water and comply with draft Country Sewerage Policy regarding effluent disposal.	The future development will require connection to the Water Corporation's reticulated water supply and deep sewer infrastructure.	The submission be noted.

SHIRE OF KOJONUP TOWN PLANNING SCHEME No. 3 - AMENDMENT No. 10 SCHEDULE OF SUBMISSIONS				
No.	Name/Address of Submitter	Summary of Submission	Planning Comment	Submission Recommendation
7	Great Southern Commission PO Box 280 ALBANY WA 6331 (Government agency)	Are aware the Shire has been planning for improved medical facilities and services in town and Council's previous decision to construct a purpose-built medical centre, subject to funding. Support the Shire in its application to reclassify Lot 3 Spring Street in order to facilitate future development of a medical centre.	The GSDC support the proposed scheme amendment. This is an important recognition for potential funding opportunities as the project progresses.	The submission be upheld.
8	Water Corporation (Development Services) PO Box 100 LEEDERVILLE WA 6902 (Government agency)	No objection to the proposed rezoning. Advise Lot 3 will require extension to deep sewer infrastructure at the developers cost and may require a separate water service.	As noted above, the future development will require connection to the Water Corporation's reticulated water supply and deep sewer infrastructure.	The submission be noted.
9	Department of Aboriginal Affairs Ground Floor 151 Royal Street EAST PERTH WA 6004 (Government agency)	Advise there are no registered heritage sites on the Department's database for Lot 3. Advise the adjoining Kojonup Spring area has some recognised heritage values and should any material or sites be discovered during the development of Lot 3 there is an obligation to report the information to the Registrar of Aboriginal Sites.	The Kojonup Spring area has Aboriginal and European heritage significance. The Shire is aware of its obligations under the <i>Aboriginal Heritage Act 1972</i> when undertaking the development of Lot 3 in the future.	The submission be noted.
10	State Heritage Office PO Box 7479 Cloisters Square PO WA 6850 (Government agency)	No comment to make.	Nil.	The submission be noted.

12.2 PROPOSED ADDITIONS TO ‘GLEN LOSSIE’ HOMESTEAD LOT 6 ALBANY HIGHWAY, KOJONUP

AUTHOR: Phil Shephard – Town Planner
DATE: Wednesday, 5 February 2014
FILE NO: LP.PRG.1
ATTACHMENT: 12.2.1 Copy of Plans
12.2.2 MHI Place Record Form (Place #18)
12.2.3 State Heritage Office Advice

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the proposal for additions to the Glen Lossie Homestead. The dwelling is included on the Shire's Municipal Heritage Inventory and Council approval is required for any development affecting a place contained on the inventory.

The recommendation is that subject to no adverse comment being received from the State Heritage Office/National Trust of Australia (WA) to the proposal, the CEO be delegated authority to approve the proposed additions subject to certain conditions.

BACKGROUND

Plans for the proposed additions were received from Michael Prandi (Builder) on 22 January 2014 and he was advised of the heritage listing and the need for the application to be determined by Council.

Staff referred the application to the State Heritage Office/National Trust of Australia (WA) for their comment (closing period for comments 14 February 2014).

At the time of writing the report, no comment has been received from the National Trust of Australia (WA). Advice had been received from the State Heritage Office (copy attached) advising they have no assessment of the place and are unable to provide comment. They suggest the Shire may wish to access the SHO Heritage Advisory Service or contact a heritage consultant for assistance.

COMMENTS

The additions (as shown on the enclosed plans) will comprise:

- New ensuite to existing bedroom 3 (at front of house).
- Refurbished verandah (north side of house).
- New windows, internal plasterboard and external cladding with weatherboards.
- Demolition of timber-framed structure to the rear of dwelling and replacement with new addition of 2 bedrooms with en-suites and kitchen/dining area.
- Some excavation (300-500mm) to the rear of the dwelling to accommodate the additions.

These additions will replace the out-dated additions undertaken to the rear of the dwelling and will not materially affect the view of the front of the building from Albany Highway. Whilst staff are not specifically trained in heritage planning, the proposed additions do not appear to adversely affect the purpose/reasons for the listing of Glen Lossie Homestead.

The listing in the Shire's adopted Municipal Heritage Inventory does not include a Management Category to advise of its relative importance. The Place Record Form (copy attached) advises that the dwelling has been subject to previous modifications with the original stonework and brickwork now rendered whilst the basic appearance of the building remains the same.

The Place Record Form also advises that the homestead has a great deal of historical significance as it has been associated with a number of eminent Kojonup residents over the years.

Council is requested to delegate authority to the CEO to approve the proposed additions subject to no adverse comments being received from the referrals to the State Heritage Office/National Trust of Australia (WA). This will ensure the application is processed with minimal delay. If adverse comments are received, the application will be referred to Council for a decision at the March 2014 meeting.

Alternatively, if Council seeks additional information regarding the heritage impacts, Council can request the proponent provide a heritage impact report from a suitably qualified heritage consultant to support the proposed additions. Council may also refuse the application if it feels that the heritage values of the place will be adversely affected by the proposed additions.

CONSULTATION

The proposal was referred to the State Heritage Office/National Trust of Australia (WA) for their input/comment. The comment period closes on 14 February 2014.

STATUTORY ENVIRONMENT

- *Planning and Development Act 2005* – The Shire of Kojonup Town Planning Scheme No. 3 is an operative Local Planning Scheme under the Act.
- *Municipal Heritage Inventory* – The Inventory contains a list of those places recognised for their local heritage values.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

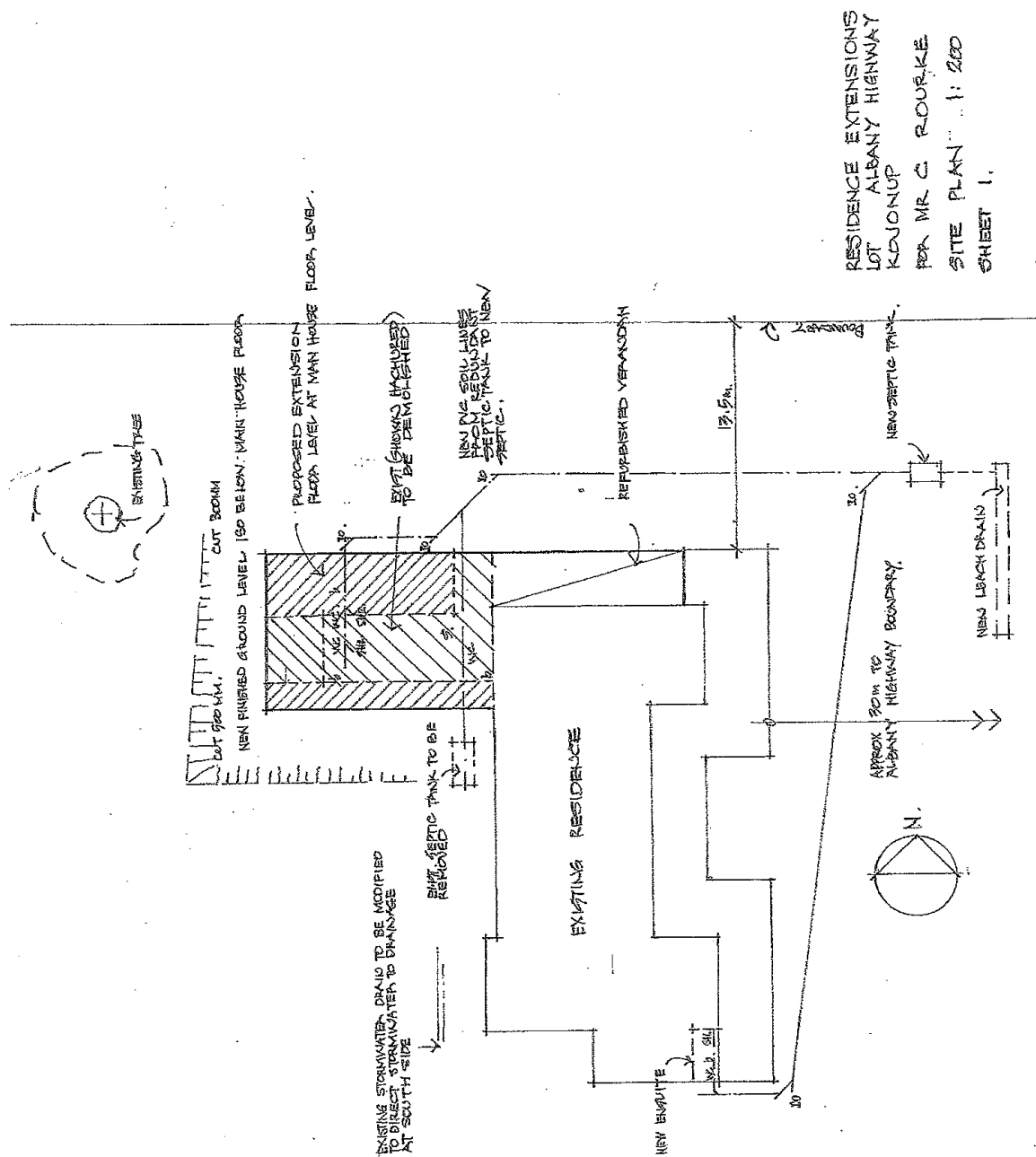
Referral costs are covered within the Planning Section of the Shire's adopted 2013/2014 budget.

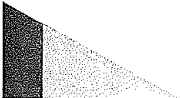
STRATEGIC IMPLICATIONS

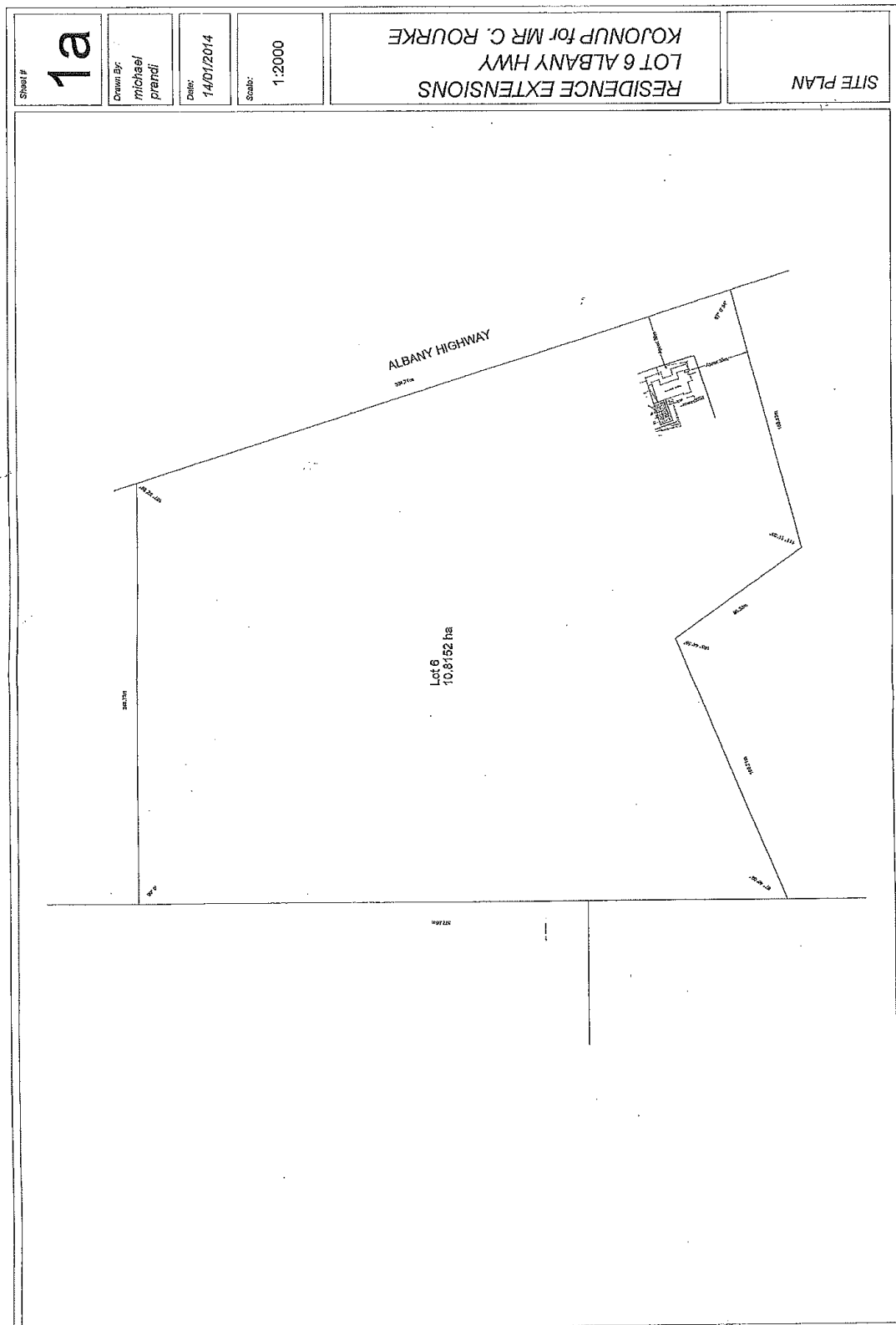
Nil.

VOTING REQUIREMENTS

Simple Majority







Place No 18/Glen Lossie Homestead/Page 1

SHIRE OF KOJONUP
MUNICIPAL HERITAGE INVENTORY
PLACE RECORD FORM

LGA Place No: 18

Glen Lossie Homestead

Photograph of the place



LOCATION	
HCWA Reference Number	3803
Other Reference Number	
Name of Place	Glen Lossie Homestead
Other Name (1)	
Other Name (2)	
Location/Address	
Street Number and Name	Albany Hwy
Suburb/Town	Kojonup
Other Locational Descriptor	
Local Government Authority	Shire of Kojonup
Map References	

Place No 18/Glen Lossie Homestead/Page 2

OWNERSHIP & LAND DESCRIPTION

Owner	Address	Phone/fax	Status	No
B P Rourke	PO Box 174, Kojonup	098 311240		
Land Description				
Reserve No	Lot/Location No	Plan/Diagram	Val/Pctg	No
	6	63137		

DESCRIPTION

Construction Date (1)	Core of homestead built between 1850-1888 Later additions Barn built c1888		
Source/Details	Heritage Council Research		
Site Type	Homestead		
Use(s) of Place			
Original	Homestead		
Present	Residence		
Other			
Architect/Designer (1)			
Other Associated Persons (1)	Thomas Chipper - built original dwelling Thomas Riley - stonemason - built barn		
Construction Materials			
Walls	Stone, rendered	Brick	
Roof	Corrugated iron		
Other	Timber gables and verandah posts		
Modifications	Additions over time		
Condition	Good		
Integrity (how much of the original fabric is intact?)	Much		
Description			

Glen Lossie Homestead is located on a portion of Location 7, west of Albany Highway, approximately 1.5km from Kojonup. The homestead block is a very small portion of the original Kojonup Location 7, which was 1,500 acres, surveyed in 1845. It would seem that the present building has grown up around an earlier structure, built by Thomas Chipper between 1855-1889. In 1912, in the Cyclopaedia of Western Australia, the residence was described as 'a house of modern villa design, built out of stone and brick'. It had nine rooms, with verandahs and accessory offices, an attractive front garden, a four-acre orchard, large stabling facilities, a woolshed and machinery shed.

Today the stone and brickwork have been rendered, but the basic appearance of the building remains the same, with some additions eg a closed in portion of the front verandah. The facade of the building is symmetrical, with two gabled wings linked by a long central section. Verandahs supported by timber posts run the length of the front elevation. The timbered gables appear to be originals as seen in a 1927 photograph.

One of the outbuildings is a substantial stone barn, built after 1888 by stonemason Thomas Riley for the then owner, Frederick Watts. The barn has double wooden doors, and a series of four arched windows. The roof is corrugated iron.

Place No 18/Glen Lossie Homestead/Page 3

SIGNIFICANCE

Historic theme (s)	Demographic settlement
Subtheme (s)	Settlement
Statement of Significance	
<p>Glen Lossie Homestead has a great deal of historical significance in that it has been associated with a number of eminent Kojonup residents over the years. The first owner of Location 7 (1,500 acres) in 1846 was George Leake. It would seem that George Maxwell, who was contacted to transport the mail between Kojonup and Perth in 1852, utilised a cottage built on the property. Thomas Chipper, who later gained the contract for the entire Albany/Perth mail service, is thought to have occupied the cottage for a time. He developed a staging post at Namarillup (the original name for the area) and he appears to have built a residence, the core of the present building. Subsequent owners of the property were Alexander Moir, and Frederick Watts, who added to the house, and made substantial repairs. He also commissioned Thomas Riley to build the stone barn.</p> <p>A subsequent owner in 1904 was James McHenry Clark, who added to the north end of the homestead and renamed the property, 'Glenlossie'. Charles Knox Ross purchased the property in 1909. By then it was a substantial 9-roomed residence. Subsequent owners were Leonard Raymond Wilkie, Charles Herman Neumann, Walter Hawkins Penny (1926), and the Bell Bros (1943). In 1949 the property became part of a CSIRO research station, and in 1968 the Elverton Pastoral Co Pty Ltd purchased the homestead block. By 1989 this block had been further subdivided, with B P Rourke retaining the homestead portion.</p>	
Management Category	

OTHER

Supporting Information	
Heritage Council Information	
Bignell, Merle, <i>First the Spring</i>	
Listing and Assessment	
Assessor (s) Name	Assessor (s) Address/Phone
Community Committee	c/o Shire of Kojonup Ph: (098) 31 1066
State Register of Heritage Places (Y/N)	N
Classified by the National Trust (Y/N)	Y
Register of the National Estate (Y/N)	N
Local Town Planning Scheme (Y/N)	

Place No 18/Glen Lossie Homestead/Page 4



The old stone barn, built c1888.



An early photograph of 'Glen Lossie', taken in 1927.



STATE
HERITAGE
OFFICE

Working on behalf of the Heritage Council to recognise, conserve, adapt and celebrate our State's unique cultural heritage

29 January 2014

- 4 FEB 2014

Chief Executive Officer
Shire of Kojonup
PO Box 163
KOJONUP WA 6395

Attention: Mr Rick Mitchell-Collins

YOUR REF | OPA4196-LP.PRG.1
OUR REF | P3803/31351
ENQUIRIES | Karen Jackson
(08) 6552 4150

ICR15118

SHIRE OF KOJONUP				
LP.PRG.1				
CEO	EG or HC	NFA	MCS	MRCB
ROR	SFO	WM	CDPO	PB
NRSM	SHM	PLAN	<input checked="" type="checkbox"/>	

Dear Sir

**Glen Lossie Homestead
Additions**

Thank you for your letter of 22 January 2014 regarding the proposed development at Glen Lossie Homestead, Lot 6 Albany Highway, Kojonup. You have advised that the place is listed in the Shire's Municipal Inventory or protected under the Town Planning Scheme.

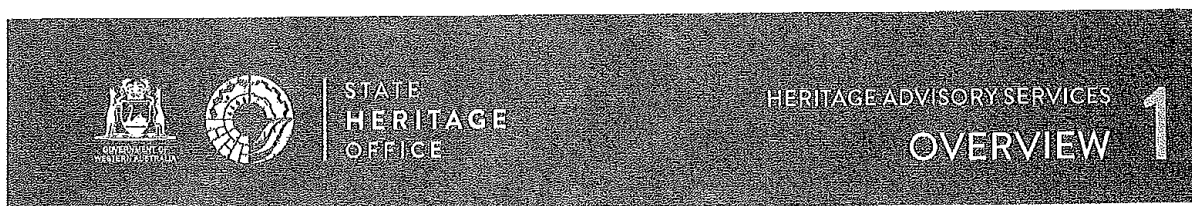
We thank you for the opportunity to provide comments on the proposed development. However, the Heritage Council has made no assessment of the significance of the place. Therefore, it is unable to provide comment. The Shire of Kojonup may wish to access the Heritage Advisory Service or contact a heritage consultant for assistance.

Should you have any queries regarding this matter, please contact Karen Jackson at karen.jackson@stateheritage.wa.gov.au or on 6552 4150.

Yours sincerely

Callum Crofton
A/MANAGER DEVELOPMENT AND INCENTIVES
enc: Heritage Advisory Services Overview

www.stateheritage.wa.gov.au
info@stateheritage.wa.gov.au



The Heritage Council of WA recommends that local governments use heritage advisory services to properly inform the decision-making process.

This series of information sheets and guidelines is intended to provide the basic information on the functions of a heritage advisory service and give some practical guidance on how to engage a heritage advisor.

The Heritage Council recognises that many local governments, particularly in regional WA, would find it difficult to fund the operation of a heritage advisory service without external support. Local governments are therefore invited to apply for a subsidy of up to 75%, subject to a number of conditions. Further information and an application form are included.

A heritage advisory service is most effective if it is operated on an ongoing basis with long term objectives. The guidelines therefore include advice on developing a heritage strategy and how a heritage advisor can contribute to this process.

While an application for funding can be made at any time, many local governments will prefer to have a contract established in time for a heritage advisor to begin operating a heritage advisory service from the start of the financial year. For this to occur, applications should be submitted by the end of April.

Where can I get more information?

For general advice and assistance on heritage advisory services please contact the Local Government Services branch at the State Heritage Office (*see below*).

For information on the WALGA heritage advisory services panel please contact Andrew Casella:

T: (08) 9213 2006

E: acasella@walga.asn.au

Contact us

State Heritage Office
Bairds Building
491 Wellington Street Perth
PO Box 7479
Cloisters Square
PO WA 6850

T: (08) 6552 4000
FREECALL (regional): 1800 524 000
F: (08) 6552 4001
E: lgs@stateheritage.wa.gov.au
W: stateheritage.wa.gov.au

12.3 PROPOSED CO-LOCATED DAY CARE, PLAYGROUP & TOY LIBRARY FACILITY

AUTHOR: Mort Wignall – Manager Regulatory & Community Services
Joanne Macri – Community Services Officer
Rick Mitchell-Collins – Chief Executive Officer
DATE: Thursday, 6 February 2014
FILE NO: CS.SVP.2
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

Due to funding constraints, Council's consideration of the option of a more affordable, cost effective and purpose built transportable facility to be located on either the existing Day Care site or at the Kojonup Sporting Complex is requested.

The location needs to be considered in recognition of the development of a Master Plan of the Sports Precinct, hopefully to be undertaken by consultants prior to 30 June 2014. Possession of the Master Plan will provide Council and the Community an informed Strategic Direction on facility provision for sports and community activities.

BACKGROUND

Royalties for Regions (R4R) funding originally proposed for a new Medical Centre was re-allocated by Council in accordance with the Community Strategic Plan 2013-23 for development of a new co-located Day Care, Playgroup and Toy Library facility. The project was contingent on additional funds being sourced through grants to compliment the R4R and Council contribution.

A preliminary estimate of costs prepared by a quantity surveyor engaged by Council's appointed architects – H&H Architects, indicated a likely cost of approximately \$1.3 million for the entire project.

Since the preliminary cost estimate and acknowledging and appreciating the reliance on part external funding which is not guaranteed, Council at a briefing session held on 5 November 2013 discussed to split the development of the co-located facility into two stages, namely stage 1 Day Care Centre \$900,000 and stage 2 Playgroup/Toy Library \$300-400,000 in the hope that the cost for the entire project could be split over two construction phases, thereby realizing a cost reduction in development of stage 1, that would enable the project to proceed.

The first stage was to comprise the new Day Care facility to be built on the vacant lot that adjoins the existing Day Care premises, with the second stage to follow within a few years, subject to availability of additional funding. The second stage of the facility also needs to cater for a wider range of community groups to substantially increase its use beyond the minimal combined hours of the Playgroup and Toy Library that are presently undertaken in Council owned premises. This approach is necessary to justify the likely cost of up to \$300-\$400,000 for the second stage of the project.

Staging of the project was still conditional on attracting a substantial amount of funds from various grant bodies, before committing to development of the new Day Care (Stage 1) facility.

On 19 June 2013, the then Minister for Regional Development and Local Government, announced that \$150 Million would be shared between all local councils and shires across regional Australia.

Eligible councils and shires were allocated funding in accordance with the current distribution of the Financial Assistance Grants. This funding could only be used to build or renew community infrastructure, with a focus on 'shovel ready' projects.

Shire applications for RDAF Round 5 opened on 21 June and closed 22 July 2013. Kojonup was allocated \$71,274. The application was successfully submitted on 22 July 2013.

On the 12 December 2013, Council received notification from the Deputy Prime Minister and Minister for Infrastructure and Regional Development, that the new Government will not fund projects announced by the former Government in Rounds Five and Five B of the RDAF. These projects were election commitments of the former government announced during the election campaign or just before. They were to be funded by the Minerals Resources Rent Tax (MRRT), but as the MRRT did not raise significant funds these projects were unfunded.

The Shire will therefore no longer receive \$71,274 as originally budgeted in the funding mix.

On 1 July 2013, the Shire received notification from WALGA on a grant available through Department of Education, Employment and Workplace Relations (DEEWR).

The Australian Government acknowledged that access to child care places and long waiting lists are key concerns for families. This being the case, the Government introduced the Child Care Accessibility Fund to assist families in accessing child care in areas of high demand by supporting local Governments to deliver more long day care places.

The Child Care Accessibility Fund was to provide grants to Local Governments to increase the supply of child care in areas of high demand. A total of \$5 million had been allocated to the fund, of which \$4.8 million is available to Local Governments through the program.

The Child Care Accessibility Fund would provide one-off discretionary grants of up to \$250,000 to Local Governments that can successfully demonstrate innovative strategies to address child care supply shortages in their communities. Proposals may be submitted by Local Governments undertaking child care supply initiatives dependently, or in partnership with local community organisations or businesses.

Applications for the CCAF closed 2 August 2013. The Shire submitted an application with the view that we could add this to the funding mix for the proposed new day care centre.

Since the submission of our application in August, there had been no further correspondence from the Department. The Community Services Officer made contact with WALGA in December 2013 to try and establish what was happening with the CCAF.

WALGA contacted the Education Department who stated that because of the change of Government they were waiting on the new Minister to decide what will happen and they did not know when this would occur. Once a decision had been made all applicants were to be notified.

Due to this funding now being unconfirmed we cannot include it in our funding mix.

Original Funding Mix - 2013

FUNDING SOURCE	AMOUNT
DEEWR (CCAF)	\$250,000
RDAF	\$71,274
LOTTERYWEST	\$200,000
ROYALTIES FOR REGIONS (R4R)	\$346,598
COUNCIL (2013/2014 Adopted Budget)	\$132,128
TOTAL	\$1,000,000

New Funding Mix - 2014

FUNDING SOURCE	AMOUNT
ROYALTIES FOR REGIONS (R4R)	\$346,598
COUNCIL (2013/2014 Adopted Budget)	\$132,128
LOTTERYWEST (TBC)	\$200,000
TOTAL	\$678,726

Cost incurred to date

COMPANY	AMOUNT	COMMENT
Keston Technologies Pty Ltd	\$10,000	Prepare Business Case for The Kojonup Childcare Hub – Co-locating the Kojonup Occasional Care Centre, Toy Library and Playgroup into one Purpose Built Facility
H&H Architects	\$35,000	Complete design development (phase 2) and prepare construction documentation (phase 3) and undertake tender process, evaluate tenders and report to Council recommending contractor
RAS Machin	\$5,000	Provide feature survey to Day Care site
Prandi Builders	\$750	Arrange soil samples for Day Care site
TOTAL	\$50,750	

Total Funding Mix 2014 of \$678,726 minus total expenditure of \$50,750 gives a total balance of \$627,976.00. Based on Quantity Survey estimates a shortfall of \$400,000 for Stage 1 is projected should in kind support not be obtained. (Worst case scenario)

COMMENT

A great strength of smaller communities is that once community agreement is reached there is a collective effort by farmers, tradesmen, professionals, businesses, service clubs, etc. to “pool resources” in an effort to minimize costs whether by the supply of plant and equipment, Volunteering labour, donating materials, fund raising or committing to re-pay principal and interest on any loans needed to ensure the project is realized.

Changes to building design/external cladding etc. all contribute to achieving the desired outcome provided it is compliant and the finished product is value for effort/money and fit for purpose.

Funding shortfalls can be addressed through borrowings or deferring other Capital Projects, combining projects or selling other assets. There is no argument from Management that a Day Care Facility for Kojonup is not justified – quite the opposite. The major issue other than a potential funding shortfall is LOCATION to maximize community participation, benefit and on-going support!

Are there other potential siting options that provide opportunities and synergies than originally planned? Yes!

The Sporting Precinct immediately comes to mind given the synergies that exist between Day Care/After School Care/Crèche allowing parents to utilize for example a gym, cooking classes in the Complex kitchen, swimming pool, designated playground which is secure and supervised, future potential for Basketball Court catering for indoor netball, badminton, table tennis etc. You do not necessarily have to be a member of a sporting club to derive benefits from what the Precinct can offer and in a short period of time the complex becomes a Community Asset.

The potential is there within the Sports Precinct but sometimes we tend to focus on the existing structure and lower our expectations that it is too difficult to reach a community consensus!

Until the Community and Council have had the opportunity to participate in the development of a Master Plan and openly explore options there will always exist an element of “What If!”

The need for the development of a Master Plan is recognised by Council and officers are presently completing an application to the Dept. of Sport & Recreation for a \$25000 contribution which will be matched by Council.

The actual location of the Day Care facility at the Sporting Complex will need to be incorporated into the terms of reference for the development of a Master Plan for the complex, and be integral to and compliment both the existing built structure of the complex and any future additions such as a gymnasium etc.

Siting of the co-located facility at the Sporting Complex will also free up the existing Day Care site owned by Council which could be sold to offset cost of development of the proposed co-located facility, or the land retained and used for development of staff housing or independent living units.

It is felt that before a decision can be made on the exact location of the Day Care Centre the Master Plan of the Sporting Precinct must be completed.

CONSULTATION

Since the last Briefing Session, the Manager Regulatory & Community Services has contacted H&H Architects and instructed them (verbally) not to proceed with the tender process for Stage 1 of the proposed new co-located facility at the existing site, pending consideration by Council of other options including its possible location at the Sporting Complex precinct, following which H & H Architects will be formally advised of Council's decision in this matter.

Depending on Council's decision staff will arrange a briefing session with Council and representatives of Day Care, Playgroup and Toy Library to advise the reasons for Council's decision and alternative siting options.

STATUTORY REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Further financial analysis will be undertaken by staff regarding a number of scenarios mentioned above utilizing community assistance, loan borrowings, Capital Budget Review, alternative building options such as transportable structures taking into account likely differences in location options.

STRATEGIC IMPLICATIONS

Shire of Kojonup Community Strategic Plan 2013-2023 Commitment Register – Staying Active and Entertained and Building Prosperity

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION**That Council:**

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

COUNCIL DECISION

/14 Moved Cr , seconded Cr

CARRIED/LOST

/

13 EXECUTIVE & GOVERNANCE REPORTS**13.1 SPRINGHAVEN BOND RELEASE POLICY**

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Thursday, 23 January 2014
FILE NO: CS.SVP.10
ATTACHMENT: 13.1 Springhaven Bond Release Policy

DECLARATION OF INTEREST

Nil

SUMMARY

To provide Council with a Policy in respect to the release of bonds as no present policy exists.

BACKGROUND

Council presently releases Bonds on the death of a Springhaven resident to their Estate as soon as practicable to avoid interest payment. The risk associated in continuing this practice is that the Shire of Kojonup (“the Shire”) cannot be guaranteed that the Bond is being paid to the Executor of Administrator of the deceased resident’s estate. This is only confirmed by production of a Grant of Probate (where there is a last Will) or Letters of Administration (where there is no Will) granted from the Supreme Court of Western Australia.

COMMENT

Nil

CONSULTATION

Heather Sheppard, former Executive Manager Trustee Services and Estate Planning.

STATUTORY REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council adopts the Springhaven Bond Release Policy as presented.

COUNCIL DECISION

/14 Moved Cr , seconded Cr

CARRIED/LOST

/

2.35 SPRINGHAVEN BOND RELEASE POLICY

OBJECTIVE

To establish the reason for not releasing Accommodation Bonds (“Bonds”) held at Springhaven Aged Care Facility in Kojonup (“Springhaven”) until Probate has been issued on the death of residents.

BACKGROUND

Council presently releases Bonds on the death of a Springhaven resident to their Estate. The risk associated in continuing this practice is that the Shire of Kojonup (‘the Shire’) cannot be guaranteed that the Bond is being paid to the Executor of Administrator of the deceased resident’s estate. This is only confirmed by production of a Grant of Probate (where there is a last Will) or Letters of Administration (where there is no Will) granted from the Supreme Court of Western Australia.

WHAT IS PROBATE

1. Extract from Public Trustee WA website 9 Jan 2014.
2. *“Probate is the process of proving and registering in the Supreme Court the last Will of a deceased person. When a person dies, somebody has to deal with their estate.*
3. *It is usually the executor of their Will who administers the estate and handles the disposal of their assets and debts. In order to get authority to do this, they usually need to obtain a legal document called a 'Grant of Probate'.*
4. *To protect the interests of those who hold the deceased's assets (for example banks) the executor may be asked to prove they are authorised to administer the Will before the assets can be released. The Grant of Probate is the proof required.*
5. *To obtain a Grant of Probate, the executor named in the Will must apply to the Probate Office of the Supreme Court. If their application is approved, the executor is given a Grant of Probate to confirm the author of the Will has died, the Will is authentic and the executor is who they say they are.*
6. *An executor can be an individual or a trustee company like the Public Trustee. Once a Grant of Probate has been given, management of the deceased's assets can safely be transferred to the executor.*
7. *All Grants of Probate are stored, along with the corresponding Will, at the Supreme Court. These are public documents. If a deceased person does not have a Will, validation of their estate and benefactors is not done with a Grant of Probate, but with a similar document known as 'Letters of Administration'.*
8. *In these circumstances, the Probate Registry refers to the Administration Act to assess applications.”*

IMPLICATIONS

Without the production of Probate or Letters of Administration the Shire of Kojonup is at risk of providing the refund of any Bond to the incorrect person and can be liable for the debts of the deceased particularly where the Bond is the only asset of the estate and there are debts of the estate to be settled.

POLICY

Bonds will not be released by the Shire until a Grant of Probate or Letters of Administration, or a certified copy of same, have been provided by the Executor/Administrator.

Interest accrued from the day following the date of death of the Resident will be calculated based on the interest rate earned by the Shire from their current investment account in which the Bond has been invested. The balance of the Bond is payable together with the interest earned thereon from the day following the date of the death of the Resident upon production to the Shire of the original or certified copy of Probate or Letters of Administration.

RECOMMENDATION FOR CURRENT RESIDENTS

Obtain information as to whether they each hold a valid Will and where it is currently lodged.

All future Resident Agreements to include the process for release of Bonds and the interest payable after death to the Executor/Administrator.

13.2 MOTOR VEHICLE USE – SHIRE PRESIDENT

AUTHOR: Sophie Knight – Policy, Planning and Governance Officer
DATE: Wednesday, 29 January 2014
FILE NO: CM.POL.2
ATTACHMENT: 13.2 Motor Vehicle Use – Shire President

DECLARATION OF INTEREST

Nil

SUMMARY

Council to consider the attached Motor Vehicle Use – Shire President Policy with a view to adopt. The objective of this policy is to provide a framework for improved asset management of the Shire of Kojonup's vehicles that is both consistent with the Councils strategic direction and the requirements.

BACKGROUND

Currently there is no Policy that stipulates the requirements, restrictions and guidelines regarding the Shire Presidents vehicle. In order to introduce clear standards for the Shire President vehicle this Policy has been produced.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council adopts the Motor Vehicle Use – Shire President Policy as presented.

COUNCIL DECISION

/14 Moved Cr

, seconded Cr

CARRIED/LOST

/

2.34 DRAFT - MOTOR VEHICLE USE – SHIRE PRESIDENT

Adopted or Reviewed by Council:

Council Minute Reference:

Reviewer: Manager of Corporate Services

Local Law:

Procedure:

Delegation:

Draft

OBJECTIVE

The objective of this Policy is to provide clear guidelines for the use of a Council motor vehicle by the Shire President.

POLICY

A fully maintained motor vehicle will be made available to the Shire President to enable the undertaking of official duties and activities associated with the position of the office of Shire President.

The motor vehicle will be made available to the Shire President for both Business Use and Restricted Private Use within the State of Western Australia, south of the 26th parallel. At the discretion of the Shire President the vehicle may be used by other Councillors and Staff for business use.

The Council will be responsible for all running costs of the motor vehicle, including but not limited to, all registration, insurances, fuels and oils maintenance, and repair costs. Fuel for private use to be responsibility of Shire President.

The following general conditions are applicable to the use of a Council motor vehicle:

- Smoking is strictly prohibited within Council motor vehicles at all times.
- Any authorised person that drives the motor vehicle is financially responsible for any fines and/or infringements received during operation of the motor vehicle.
- The Shire of Kojonup will be financially responsible for the maintenance of the motor vehicle but it is the responsibility of the primary user to ensure that the motor vehicle has a sufficient amount of fuel, oil/lubricant, water, and tyre pressure.
- The motor vehicle will be equipped with a first aid kit and a fire extinguisher, it is the responsibility of the primary user to ensure that the first aid kit and the fire extinguisher is adequately stocked/changed at all times or replacement stock ordered through the Council's Works and Services Division when used/expired.

The Shire President shall comply with the following conditions with respect to the motor vehicle:

- a. Advise the CEO when a scheduled servicing of the motor vehicle is due;
- b. Wash, clean, and vacuum the motor vehicle as often as required;
- c. Drive the motor vehicle responsibly and legally, observing all road rules and traffic regulations;
- d. Secure the motor vehicle when parked in public/private places;
- e. Report any motor vehicle accident immediately to the Chief Executive Officer or other Senior Officers.
- f. Complete prestart log book weekly and hand into office.

The primary user shall immediately advise the Chief Executive Officer if his/her driver's licence is suspended or cancelled.

The primary user shall immediately surrender the motor vehicle to the Shire upon cessation of position with the Council.

13.3 WALGA – VACANCIES ON BOARDS AND COMMITTEES – WESTERN AUSTRALIA
PLANNING COMMISSION (WAPC)

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Monday, 3 February 2014
FILE NO: CM.CIR.1
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

Shire President, Cr Ronnie Fleay has expressed an interest to nominate as a Non-Metropolitan Member on the WA Planning Commission given her previous representation on the WAPC as a Regional Representative during her time at Exmouth and seeks Council endorsement.

BACKGROUND

WALGA – Councillor Direct Issue 2 dated 22 January 2014 advised a number of vacancies still exist for nominations to be received on various Boards and Committees with nominations closing 20 February 2014. Given Cr. Fleay's previous membership of the WA Planning Commission as an elected member of the Shire of Exmouth and the regional planning framework that was subsequently established makes Cr Fleay a worthy member of the WA Planning Commission should her nomination be successful.

CONSULTATION

CEO

STATUTORY REQUIREMENTS

Local Government Act 1995

POLICY IMPLICATIONS

Should the Shire President's nomination be successful the Shire of Kojonup and Non-Metropolitan areas will be well represented on the Commission.

FINANCIAL IMPLICATIONS

Board and Committee representatives are generally paid an allowance by WALGA to cover costs although the level of allowance does not always fully cover travelling/accommodation, asset management and incidentals however this is offset by Shire President Allowance and Governance Budget allocations.

STRATEGIC IMPLICATIONS

Draft Corporate Business Plan – Strategy 1.1.3 Support regional collaboration and resource sharing.

VOTING REQUIREMENTS

Simple Majority

That Council fully endorses the Shire President, Cr. Ronnie Fleay's nomination to WALGA to become the Non-Metropolitan Member of the WA Planning Commission.

/14 Moved Cr , seconded Cr

CARRIED/LOST /

13.4 KOJONUP INDUSTRIAL ESTATE – OFFER OF PURCHASE

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Wednesday, 5 February 2014
FILE NO: LP.SUB.1
ATTACHMENT: 13.4 Survey Plan Lots 1 & 28

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider an offer of purchase for amended Lot 28 by adjoining land owner of Lot 3 – Mr Peter Wright.

BACKGROUND

Mr Wright first expressed a verbal interest in Lot 28 to the previous Manager of Corporate Services – Mr Dolzadelli on 4 December 2012 with an offer of \$25,000 for 5,519m². Council at the time was considering a joint VROC Water Re-use & Harvesting Project submission which included certain Water Corp assets being transferred to Council and improvements to the Oval irrigation system utilising treated water from the Kojonup Sewer System.

There was a considerable delay in receiving written confirmation from Water Corp that such an offer to transfer certain assets existed. VROC was successful in obtaining funding approval with projects to be completed by 30 June 2014. Written conditional notification from Water Corp was eventually received on 14 October 2013 (thanks to the persistence of MRCS) with Council advised at 5 November Briefing Session.

Council were also previously briefed by MRCS on Opus designs for two water tanks to be located in the South West corner of the Oval Precinct to act as holding/settling tanks after chlorination prior to irrigating the oval. Water Corps conditional notification required Council to develop a fall back strategy recognising VROC acquittal and compliance funding time frames.

The fall back strategy consisted of:-

- Engaging Opus to redesign pipeline routes with future provision to link with southern Water Corp water storage facility.
- Utilise existing water storage assets within Showground Precinct.
- Locate two holding tanks on southern side of existing turkey dam with provision for installation of chlorination unit.
- Ascertain if Mr Wright was interested in purchasing balance of amended Lot which is presently used by Council to stockpile sand, road materials etc. and providing Carriageway easement allowing Council to gain access to rear of Lot 1.

Shire President, CEO, MW&S, MRCS and Mr Wright met on-site Friday, 8 November 2013 and Mr Wright confirmed his interest to purchase the amended Lot and to assist Council relocate stockpile material to another location within the Industrial Estate as well as allow access to the southern boundary of the Turkey Nest Dam.

Management proceeded to have a survey plan prepared and associated application completed for lodgement with the WA Planning Commission as until a new title was created Council could not proceed with any sale.

Based on the previous purchase offer of \$4.53 per m² a realistic offer of \$21,410.00 exclusive of GST is very reasonable.

COMMENT

Section 3.58 of the Local Government Act 1995 and Regulation 30 & 31 Local Government (Functions and General) Regulations 1996.

It is important to note that where property is not being disposed of by way of Public Auction or Public Tender, as defined by section 3.58(2), then Section 3.58(3) & (4) of the Local Government Act 1995 (LGA 1995) apply.

Section 3.58(3) and (4) of the (LGA 1995) states the following:

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

- (i) describing the property concerned;*
- (ii) giving details of the proposed disposition; and*
- (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

- (a) the names of all other parties concerned; and*
- (b) the consideration to be received by the local government for the disposition; and*
- (c) the market value of the disposition —*

(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

CONSULTATION

As listed above

STATUTORY REQUIREMENTS

Local Government Act 1995, section 3.58 (as above)

Transfer of Land Act 1893

Planning & Development Act 2005

Approvals and Related Reforms (No.4) (Planning) Act 2009

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council receives a return on initial Industrial Subdivision Development investment from sale of vacant lots.

STRATEGIC IMPLICATIONS

Draft Corporate Business Plan Strategy 1.8.1 - Building local economic capacity to generate wealth and provide a variety of local employment opportunities.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council approve the sale in accordance with section 3.58 of the Local Government Act, Lot 28 Thornbury Close, Kojonup (shown as new Lot B area 4,725m² on Agnew & Machin Pty Ltd Plan 2007/13) to Mr Peter Wright of PO Box 194, Kojonup subject to the following conditions:-

- 1. Sale price of \$21,410 exclusive of GST.**
- 2. Payment terms to be within 30 days of new title being certified.**
- 3. Mr Wright making available plant (Dozer) to level off Southern Boundary of new Lot A after Council removes stockpiled material to a new location.**
- 4. Council erecting southern boundary fence to new Lot A at no cost to Mr Wright including locked gated access from the carriageway easement located in the SW corner of the Survey Plan.**
- 5. The Sale of Contract be duly executed by the Shire President and Chief Executive Officer.**

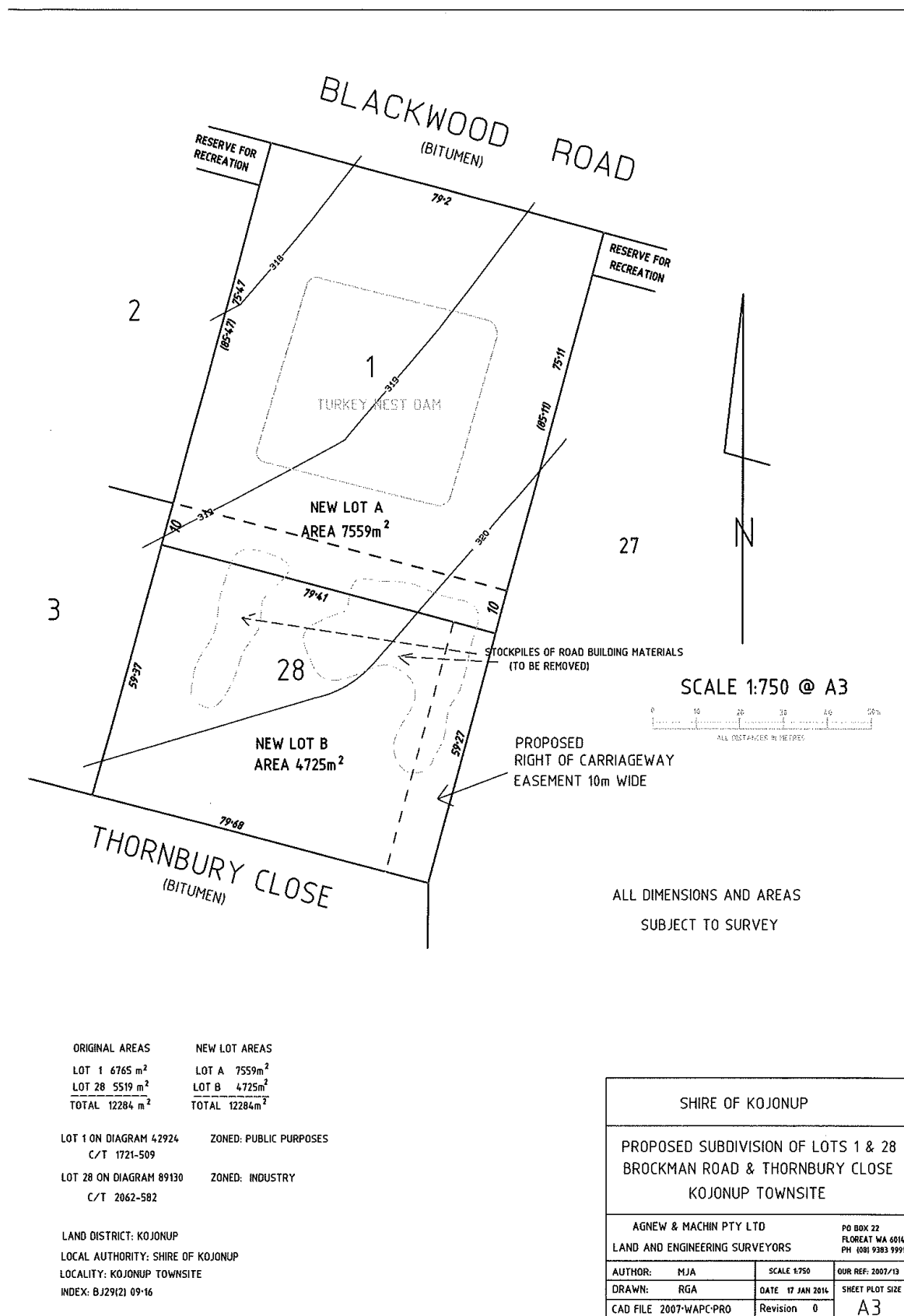
COUNCIL DECISION

/14 Moved Cr

, seconded Cr

CARRIED/LOST

/



13.5 KOJONUP TOURIST ASSOCIATION INC. – MEMORANDUM OF UNDERSTANDING (COMPLIANCE)

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Monday, 3 February 2014
FILE NO: ED.IND.1
ATTACHMENTS: 13.5.1 Shire of Kojonup and Kojonup Tourist Association Inc. MOU
13.5.2 Kodja Place Advisory Committee – Terms of Reference and Membership
13.5.3 Rules of Kojonup Tourist Association Inc.

DECLARATION OF INTEREST

Cr. John Benn in his capacity as Chairman of the Kojonup Tourist Association Inc.

SUMMARY

The purpose of this report is to ascertain whether the present arrangements between the Shire of Kojonup, Kojonup Tourist Association Inc. (KTA), Kodja Place Advisory Committee (KPAC) and Kojonup Aboriginal Corporation (KAC) provide effective visitor services and support of tourism in Kojonup present and future.

BACKGROUND

Council first entered into a MOU arrangement with the KTA in September 2008. An updated MOU was signed in May 2013 for a term of 3 years concluding 30 June 2016. Clause 12 of the 2013 MOU requires the CEO to conduct an annual review of the KTA with an outcomes report submitted to both parties in writing.

This is therefore a preliminary report on the approach to be taken by the CEO in conducting the 2013/14 annual review.

Process:

- Notify both parties in writing of review process (Feb 2014)
- Review Rules of KTA during Feb 2014 to ensure compliance against;
 - Objects of the Association
 - Membership Register maintained and updated
 - Subscriptions of Members
 - Committee of Management minutes 2013/14
 - Roles and functions of Secretary and Treasurer
 - General Meeting provisions
- Review KTA Financial Reports (Feb – April 2014)
- Conduct meeting (s) of the KPAC and KAC regarding initial Terms of Reference (Feb – April 2014)
- Ascertain outcome of Tourism WA review of the WA Visitor Centre network conducted by Haeberlin Consulting in August/September 2013 regarding long term sustainability for consumers and industry.(Feb-March 2014)
- Conduct strategic planning workshop with Shire of Kojonup regarding Kodja Place Precinct recognising contents of Community Strategic Plan 2013-23, WA Visitor Centre network review, etc. March/April 2013.
- Prepare Draft Review Report and present to joint workshop of Council, KTA, KPAC and KAC during May 2014.
- Prepare Final Report for adoption at June 2014 Council meeting.

14 COMMITTEES OF COUNCIL

Nil

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16 NEW BUSINESS

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

16.1 EXPRESSION OF INTEREST – KOJONUP MAIN STREET RENEWAL STRATEGY & DEVELOPMENT PLAN

When calling Expressions of Interest the closing date aimed to coincide with the Council Meeting scheduled for 18 February 2014. As the Council Meeting was brought forward a week to 11 February 2014, senior management will review Expressions of Interest's received and table a report at the Council Meeting for Council's consideration.

As expressions of interest for the Kojonup Main Street Renewal Strategy & Development Plan close on Thursday 6th February 2014 at 4:30pm after the agenda has closed. A late item will be tabled at the meeting.

OFFICER RECOMMENDATION

That Item 16.1 Expression of Interest – Kojonup Main Street Renewal Strategy & Development Plan be discussed.

COUNCIL DECISION

/14 Moved Cr

, seconded Cr

CARRIED/LOST

/

17 CONFIDENTIAL REPORTS**17.2 SPRINGHAVEN AGED CARE FACILITY UPDATE NO: 3**

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer

DATE: Monday, 3 February 2014

FILE NO: PE.IRS.1

ATTACHMENT: 17.2 Confidential Report & Attachment

SUMMARY

The purpose of this report is to update Council on actions taken at Springhaven Aged Care Facility in order to achieve legislation obligations in respect of human resource and industrial practices, improve compliance/organisational restructure/workplace harmony and governance.

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

That the meeting be closed to the public in accordance with s5.23 of the Local Government Act 1995 to discuss:

- ## COUNCIL DECISION

/14 Moved Cr , seconded Cr

CARRIED/LOST /

18 NEXT MEETING

Tuesday, 18th March 2014 commencing at 3:00pm.

19 CLOSURE

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

20 ATTACHMENTS (SEPARATE)

- Item 10.1 Monthly Statement of Financial Activity
- Item 10.2.1 Monthly Payment Listing 01/12/2013 – 31/12/2013
- Item 10.2.2 Monthly Payment Listing 01/01/2014 – 31/01/2014
- Item 12.1.2 Copy of Submissions
- Item 13.5.1 Shire of Kojonup and Kojonup Tourist Association Inc. MOU
- Item 13.5.2 Kodja Place Advisory Committee – Terms of Reference and Membership
- Item 13.5.3 Rules of Kojonup Tourist Association Inc.
- Item 17.2 Confidential Report & Attachment