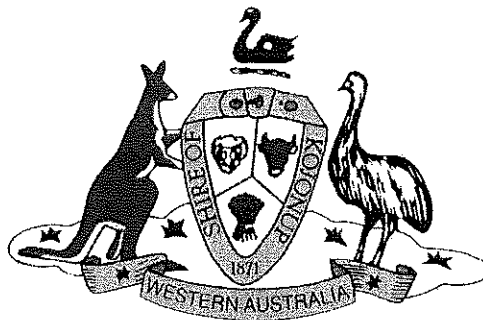


# SHIRE OF KOJONUP



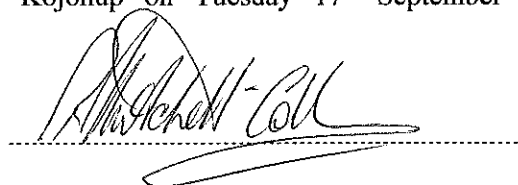
## Council Agenda

*17<sup>th</sup> September 2013*

**TO: THE SHIRE PRESIDENT AND COUNCILLORS**

NOTICE is given that a meeting of the Council will be held in Council Chambers, Administration Building Albany Highway, Kojonup on Tuesday 17<sup>th</sup> September 2013 commencing at 3:00pm.

Your attendance is respectfully requested.



**RICK MITCHELL-COLLINS**  
**CHIEF EXECUTIVE OFFICER**

12 September 2013

**SHIRE OF KOJONUP****AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 17<sup>th</sup> September 2013****TABLE OF CONTENTS**

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**5      APPLICATIONS FOR LEAVE OF ABSENCE**

COUNCIL DECISION

/13      Moved Cr \_\_\_\_\_, seconded Cr \_\_\_\_\_ that Cr Benn be granted Leave of  
Absence for the Council meeting held on 17<sup>th</sup> September 2013.

CARRIED/LOST      /

**6      CONFIRMATION OF MINUTES**

ORDINARY MEETING 20<sup>th</sup> August 2013

COUNCIL DECISION

/13      Moved Cr \_\_\_\_\_, seconded Cr \_\_\_\_\_ that the Minutes of the Ordinary  
Meeting of Council held on 20<sup>th</sup> August 2013 be confirmed as a true record.

CARRIED/LOST      /

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

**8      PETITIONS, DEPUTATIONS & PRESENTATIONS**

**9      DECLARATIONS OF INTEREST**

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

AUTHOR: Kim Dolzadelli – Manager of Corporate Services  
DATE: Friday, 6 September 2013  
FILE NO: FM.FNR.2  
ATTACHMENT: 10.1.1 Monthly Statement of Financial Activity 1st July 2013 to 31<sup>st</sup> July 2013  
10.1.1 Appendix A – Springhaven Aged Care Facility Monthly Statement of Financial Activity 1st July 2013 to 31<sup>st</sup> July 2013  
10.1.2 Monthly Statement of Financial Activity 1st July 2013 to 31<sup>st</sup> August 2013  
10.1.2 Appendix A – Springhaven Aged Care Facility Monthly Statement of Financial Activity 1st July 2013 to 31<sup>st</sup> August 2013

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To accept the Monthly Statement's of Financial Activity for the periods of 1st July 2013 to 31<sup>st</sup> July 2013 and 1<sup>st</sup> July 2013 to 31<sup>st</sup> August 2013.

**BACKGROUND**

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

The reporting requirements, as per Financial Management Regulation 34, for the Statement of Financial Activity came into force from 1st July 2005.

**COMMENTS**

The attached Statements of Financial Activity for the periods of 1<sup>st</sup> July 2013 to 31<sup>st</sup> July 2013 and 1<sup>st</sup> July 2013 to 31<sup>st</sup> August 2013 show a solid position with 70.99% of rates collected and a total amount of cash holdings of \$5,647,276.97 of which \$2,481,058.01 is held in fully cash backed Reserves as at to 31<sup>st</sup> August 2013.

**CONSULTATION**

Nil.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

None applicable.

**FINANCIAL IMPLICATIONS**

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

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.

## Simple Majority

**That the Monthly Statement's of Financial Activity for the periods of 1<sup>st</sup> July 2013 to 31<sup>st</sup> July 2013 and 1<sup>st</sup> July 2013 to 31<sup>st</sup> August 2013, as attached, be accepted.**

/13 Moved Cr, seconded Cr

CARRIED/LOST /

**10.2 MONTHLY PAYMENTS LISTING**

AUTHOR: Kim Dolzadelli – Manager of Corporate Services  
DATE: Thursday, 12 September 2013  
FILE NO: FM.AUT.1  
ATTACHMENT: 10.2 Monthly Payment Listing

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To receive the list of payments that were made from 1<sup>st</sup> August 2013 to 31<sup>st</sup> August 2013.

**BACKGROUND**

Not applicable.

**COMMENT**

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

**CONSULTATION**

No consultation was required.

**STATUTORY ENVIRONMENT**

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

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

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority from 1/8/2013 to 31/8/2013 comprising of Municipal Cheques 12826 to 12866, EFT's 10674 to 10843 and Internal Payment Vouchers 4453 to 4486 totalling \$1,024,399.20 and as attached to this agenda, be received.



## COUNCIL DECISION

/13 Moved Cr , seconded Cr

CARRIED/LOST /

### 10.3 FINANCIAL MANAGEMENT – COUNTRY LOCAL GOVERNMENT FUND

AUTHOR: Kim Dolzadelli – Manager of Corporate Services  
DATE: Wednesday, 11 September 2013  
FILE NO: GS.PRG.22  
ATTACHMENT: 10.3.1 Letter from Department of Regional Development  
10.3.2 Email from Western Australian Local Government Association

#### DECLARATION OF INTEREST

Nil

#### SUMMARY

To provide an update with respect to Country Local Government Funding, following an announcement by the State Treasurer when delivering the 2013/14 State Budget and recent advice received from the Department of Regional Development (DRD).

#### BACKGROUND

The Shire of Kojonup has received a total amount of \$1,401,338 for the development or renewal of key infrastructure via the Country Local Government Fund (CLGF) between 2009/2010 and 2011/2012.

The State Government recently announced “Machinery of Government” changes, together with changing economic conditions resulting in a refocus on regional economic development. The refocus will see funding applied to regional strategic projects to deliver productivity improvements ensuring economic, business and social outcomes to the benefit of the State.

In short; program delivery funds like the CLGF will refocus on maximizing benefits for **Regional Western Australia**.

#### COMMENTS

Future Royalties for Regions funding (RfR) for Local Government will be available through existing RfR programs or through the Planning and Development framework and Regional Blueprints, once local government plans have been completed.

**There will be no new funding for the CLGF in 2013-14 funding round.**

Only County Local Governments deemed eligible for 2012-13 funding will have access to funding administered through the Department of Regional Development (DRD). Applications for individual 2012-13 funding needed to have been submitted by 30 December 2012.

The new guidelines introduced in conjunction with the State Governments 2013-14 Budget means that 2010-11 funding needed to be fully acquitted by 30 June 2012. Failure to meet this deadline resulted in exclusion from 2012-13 funding.

The Shire of Kojonup **did not meet this deadline** and as such is **not eligible to receive any 2012-13 funding**.

The table below summarises RfR funding received by the Shire of Kojonup and the status of each funding amount.

Year	Funding Amount	Annual Financial Report	Acquitted
2009/10	625,454	Not Applicable	Yes
2009/10	35,000	Completed	Yes
2010/11	394,286	Completed	In Progress
2011/12	346,598	Completed	Unspent
<b>1,401,338</b>			

The Western Australian Local Government Association (WALGA) have contacted (email attached) all Country Local Governments regarding the impact of the State Governments policy decisions around the CLGF, (particularly the acquittal of the 2010-11 funding allocation) that have unduly affected up to 40 of Local Governments.

WALGA have stated that:

*“Many Local Governments have been ‘caught up’ in a situation that “in good faith” they thought was in hand, thus any assistance we can give you via your information would be appreciated.”*

It should be noted that 2012-13 funding through the RfR program had been allocated to the Medical Centre Project. Officers recommend that the following actions be undertaken; noting the Terms of Reference for the Medical/Health Centre Advisory Committee:

- That Council engage with WALGA in their advocacy role with respect to the CLGF announcement impacts,
- That no Capital expenditure be undertaken on the new Medical Centre project until the outcome of the above engagement is known or until alternate funding options are sourced (this excludes costs for the scoping and planning currently included in the operational Budget in the amount of \$35,000),
- Funding be sought through the new Planning and Development framework and Regional Blueprints program via the Regional Development Commission in the absence of a reinstatement of the CLGF 2012-13 funding,
- Other funding sources be identified, and
- That once the complete project scope and cost is known Budget Amendments be sort in order to recognise the full Project cost and funding sources available.

#### **Medical / Health Centre Advisory Committee**

##### **Terms of Reference**

- *Develop a communications plan to guide the consultation process, feedback mechanisms, surveys, public meetings, record keeping, and media releases from the Council and committee.*
- *To assess the needs for medical/ health centre accommodation:*
- *Review the current medical centre and hospital accommodation for Doctors and other primary health providers.*
- *Consider options under the Primary Health Care Demonstration Site model of the Southern Inland Health Initiative and advise Council on whether to participate in any call for expressions of interest.*

- *Review previous medical centre plans, options, and feedback / submissions from the community to guide the committee.*
- *Provide a short list of options for consideration of Council to allocate resources for detailed work up of plans.*
- *Develop a scope of works for appropriate architectural / design consultant / or building support for the options above based on the outcomes of the needs analysis and liaison with key stakeholders/ users.*
- *Review the detailed options and provide advice to Council on the outcome of detailed work up based on:*
  - *Meeting the identified community needs;*
  - *Meeting the identified functional needs of users;*
  - *Value for money*
- *Provide advice on funding, timing, and delivery of the project.*
- *Provide advice to Council on any other issue that the committee view relevant to the Medical / Health Centre consideration*

**CONSULTATION**

Chief Executive officer and the Department of Regional Development

**STATUTORY ENVIRONMENT**

Royalties for Regions Act 2009.

Amending the Budget requires an absolute majority decision of the Council pursuant to Section 6.8 of the Local Government Act 1995.

Council is required to review its Budget by law (Regulation 33A of the Local Government Financial Management Regulations 1996) no later than 31 March of each year.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

As a direct result of the Western Australian State Government adopting its 2013/14 Budget and 4 Year financial forecasts reflecting no new specific allocation of monies to the Shire under the Royalties for Regions (RfR), Country Local Government Fund (CLGF), the Shire of Kojonup does not proceed with any Capital Expenditure on the Medical Centre project until such time that the recommendations of Council with respect to this item are undertaken.

**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. No Amendments are being sought at this time.

**VOTING REQUIREMENTS**

Simple Majority



Attachment 10.3.1



16 AUG 2013

Government of Western Australia  
Department of Regional Development

ICR13480

SHIRE OF KOJONUP				
FILE	PG or PG	NEA	JACS	ARCS
✓	PG	WA	CDPO	PE
		PLAN		

Our ref: A3442003

Enquiries: Department of Regional Development, 08 6552 1800

Mr Rick Mitchell-Collins  
Acting Chief Executive Officer  
Shire of Kojonup  
PO Box 163  
KOJONUP WA 6395

Dear Mr Mitchell-Collins,

**Country Local Government Fund (CLGF) 2013-14**

The State Government remains committed to the Royalties for Regions (RfR) Program and ensuring benefits continue to be delivered to regional Western Australia. An allocated of \$354.10 million was made to the CLGF from 2008-09 to 2017-18 Financial Years. This is made up of \$320 million to country local government, \$3.2 million to Regional Development Commissions for support of local governments and \$30.09 million for capacity building for the Department of Local Government.

The recently announced Machinery of Government changes, together with changing economic conditions and the State Government's focus on regional economic development sees funding applied to regional strategic projects to deliver productivity improvements ensuring economic, business and social outcomes to the benefit of the State.

This means that program delivery funds like the CLGF will refocus to ensure maximum benefits are obtained for regional Western Australia. Future RfR funding for Local Government will be available through existing RfR programs or through the Planning and Development framework and Regional Blueprints, once local government plans have been completed. This allows for participation across the whole of Government, instead of being limited to RfR.

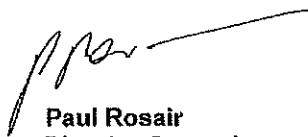
There will be no new funding for the CLGF in 2013-14 funding round. Only county local governments deemed eligible for 2012-13 funding will have access to funding administered through the Department of Regional Development (DRD). Applications for individual 2012-13 funding needed to have been submitted by 30 December 2012. 2010-11 funding needed to be fully acquitted by 30 June 2012. Failure to meet this deadline resulted in exclusion from 2012-13 funding.

The 2012-13 applications for regional groups closed on 30 May 2013. Those applications deemed eligible under the guidelines will be processed for funding. All applicants will be advised in due course as to the status of their application following the finalisation of the assessment and approval processes.

Country local governments are to complete existing projects, continue to report and acquit funds in accordance with established Financial Assistance Agreements.

Please contact the department on 08 6552 1800 should you require more details.

Yours sincerely



**Paul Rosair**  
**Director General**

12 August 2013

Attachment 10.3.2

**Dominique Hodge**

**From:** Joanne Burges <JBurges@walga.asn.au>  
**Sent:** Wednesday, 11 September 2013 2:05 PM  
**To:** All Non Metropolitan Councils  
**Subject:** ICR13723 - Assistance with CLGF Advocacy

**Importance:** High

**SynergySoft:** ICR13723

**ATT: CHIEF EXECUTIVE OFFICER****RE: COUNTRY LOCAL GOVERNMENT FUND (CLGF)**

Good Afternoon All

The Association is collating information to assist in its ongoing advocacy regarding the impact of the State Governments policy decisions around the Country Local Government Fund, (particularly the acquittal of the 2010-11 funding allocation) that have unduly affected up to 40 of our member Local Governments.

The identity of the Local Governments affected is not publicly available, although we are aware of, and have been working with, several local governments to date.

The impacts and circumstances are as diverse as our membership so it is important that we have access to as many individual circumstances as possible to strengthen our position to the State Government.

Local Governments that we have been working with have provided an outline of their situation including but not limited to:-

- Correspondence to and from the Department regarding the 2010-11 eligibility;
- Circumstances surrounding the current status of 2010-11 projects and or their acquittal status;
- Dates relating to the signing of the 2010-11 FAA's;
- Emails from the Department that may have given Local Governments assurance that all was in order with the progress of their 2010-11 acquittals

Many Local Governments have been 'caught up' in a situation that "in good faith" they thought was in hand, thus any assistance we can give you via your information would be appreciated.

The Association is happy to discuss and assist with your individual circumstances, however the strength of our argument will be in the critical mass of the evidence gathered and advocated on.

Please email any information that you believe will assist with this important advocacy to [jburges@walga.asn.au](mailto:jburges@walga.asn.au)

Please feel free to contact Joanne Burges on 9213 2048; email [jburges@walga.asn.au](mailto:jburges@walga.asn.au) or Tony Brown on 9213 2051; email [tbrown@walga.asn.au](mailto:tbrown@walga.asn.au) if you require clarification or have any queries.

Kind regards

Jo

**Joanne Burges | Regional Cooperation Manager | WALGA**(p) 9213 2048 | (mob) 0408 013 522 | (f) 9322 2611 | (e) [jburges@walga.asn.au](mailto:jburges@walga.asn.au)**WALGA**[www.walga.asn.au](http://www.walga.asn.au)

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

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer  
DATE: 11 September 2013  
FILE NO: RO.ROA.023, RO.ROA.102 & RO.ROA.204  
ATTACHMENT: 11.1 Approval & Maps from Geographic Names Committee

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Formal approval issued to change the of name of Glenoaklands Road, Mobrup Road and Wandoorra Road to Mobrup Road.

**BACKGROUND**

At its meeting held on 18 June 2013 the Council resolved that:

1. The adverse comment regarding the proposed road name change of Glenoaklands Road, Mobrup Road and Wandoorra Road to Mobrup Road be noted; and
2. Subject to no adverse comment being received from the Shire of Cranbrook, the Geographic Names Committee be requested to change the name of Glenoaklands Road, Mobrup Road and Wandoorra Road to Mobrup Road in the Shire of Kojonup.

At its meeting held on 19 March 2013 the Council resolved that:

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

**COMMENT**

Approval was received on 4 September 2013 from the Geographic Names Committee.

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

A small portion of the end of Wandoorra Road is within the Shire of Cranbrook and Councils formal approval to the name change has been received.

**CONSULTATION**

Significant community consultation has occurred through The Kojonup News and also with the Shire of Cranbrook.

**STATUTORY REQUIREMENTS**

The Land Administration Act 1997 applies to this item.

**POLICY IMPLICATIONS**

There are no known policy implications.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

1. That Council notes the approval of the road name change from Wandoora Road and Glenoaklands Road to Mobrup Road.
2. That new Mobrup Road Signs be ordered with signs to note former name as well.
3. The approval be advertised in The Kojonup News.
4. Letter be written to Rob and Jen Warburton advising of the approval.

**COUNCIL DECISION**

/13 Moved Cr , seconded Cr

CARRIED/LOST /

47

02900-2011

CHAIRMAN  
GEOGRAPHIC NAMES COMMITTEE

In response to a request from all the effected residents as advised by R & J Warburton (p39), the Shire of Kojonup (p41) has proposed that a single stretch of road named Glenoaklands Road, Wandoorra Road and Moberup Road be known only as Moberup Road to alleviate current confusion and the possibility of further confusion in an emergency. (Plan p38)

The Shire of Kojonup advertised this proposal on the 26 April (p37) and 10 May (p36) to which one negative response was received (p33). The Shire of Kojonup wrote to the Shire of Cranbrook due to portion of Wandoorra Road extending into the locality of Frankland River and the Shire of Cranbrook advised that it agreed to the change of Wandoorra Road to Moberup Road (p32).

Approval is now requested for the following:

Rename Existing Road – JINGALUP, MOBRUP (Shire of Kojonup)

Rename Glenoaklands Road to **MOBRUP ROAD** as depicted on the plan at page 46 and undertake the necessary Ministerial Order as per the plan at page 45.

Rename Existing Road – MOBRUP (Shire of Kojonup) & FRANKLAND RIVER (Shire of Cranbrook)

Rename Wandoorra Road to **MOBRUP ROAD** as depicted on the plan at page 46 and undertake the necessary Ministerial Order as per the plans at pages 43 and 44.


Ministerial Order Prompt Job No. GN047913

**APPROVED**

By Order of  
The Minister for Lands



13 SEP 2013

  
Secretary  
GEOGRAPHIC NAMES COMMITTEE  
3 September 2013  
JMG:479 (2013)

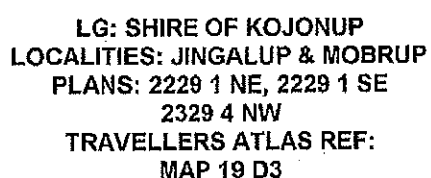
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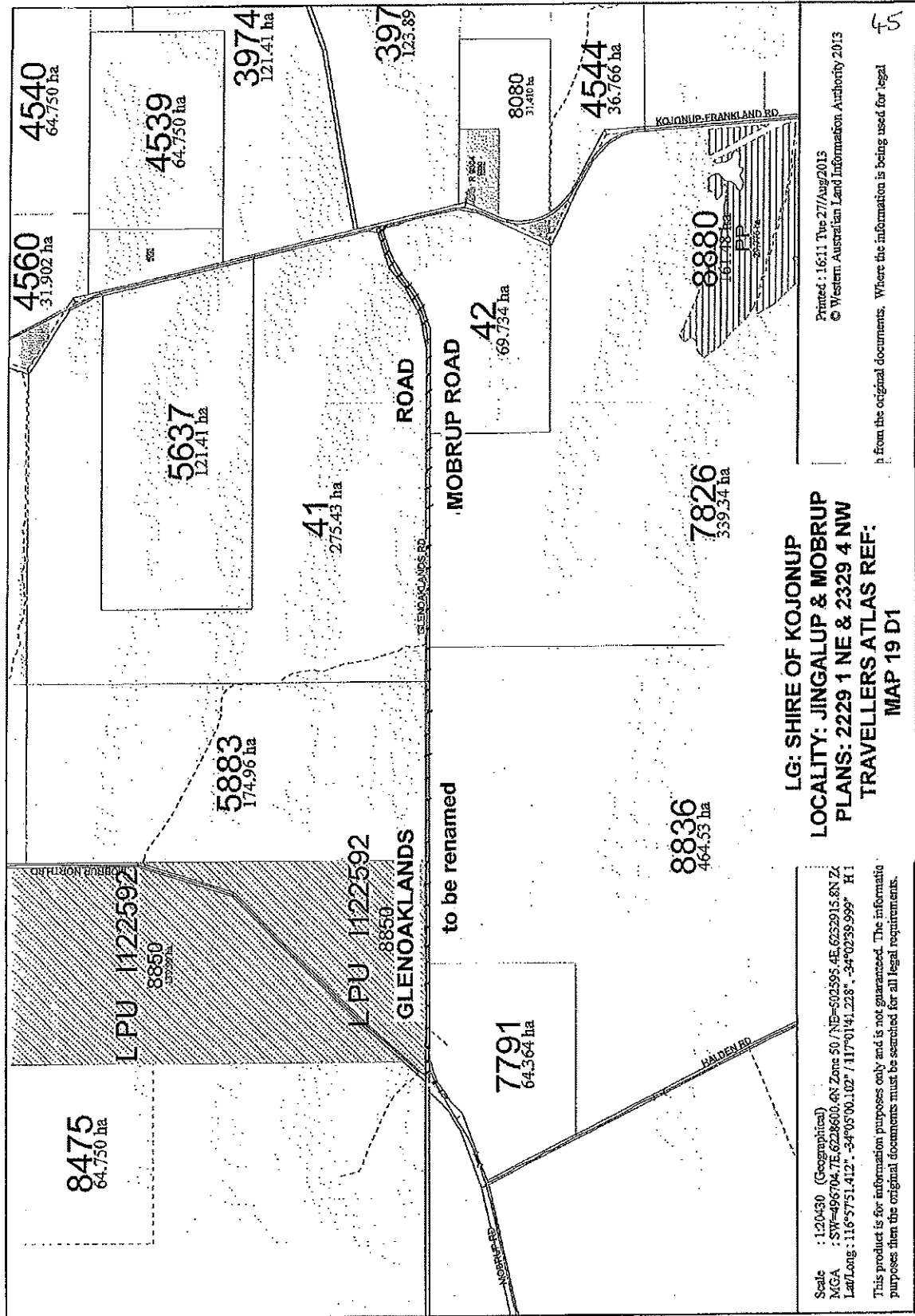
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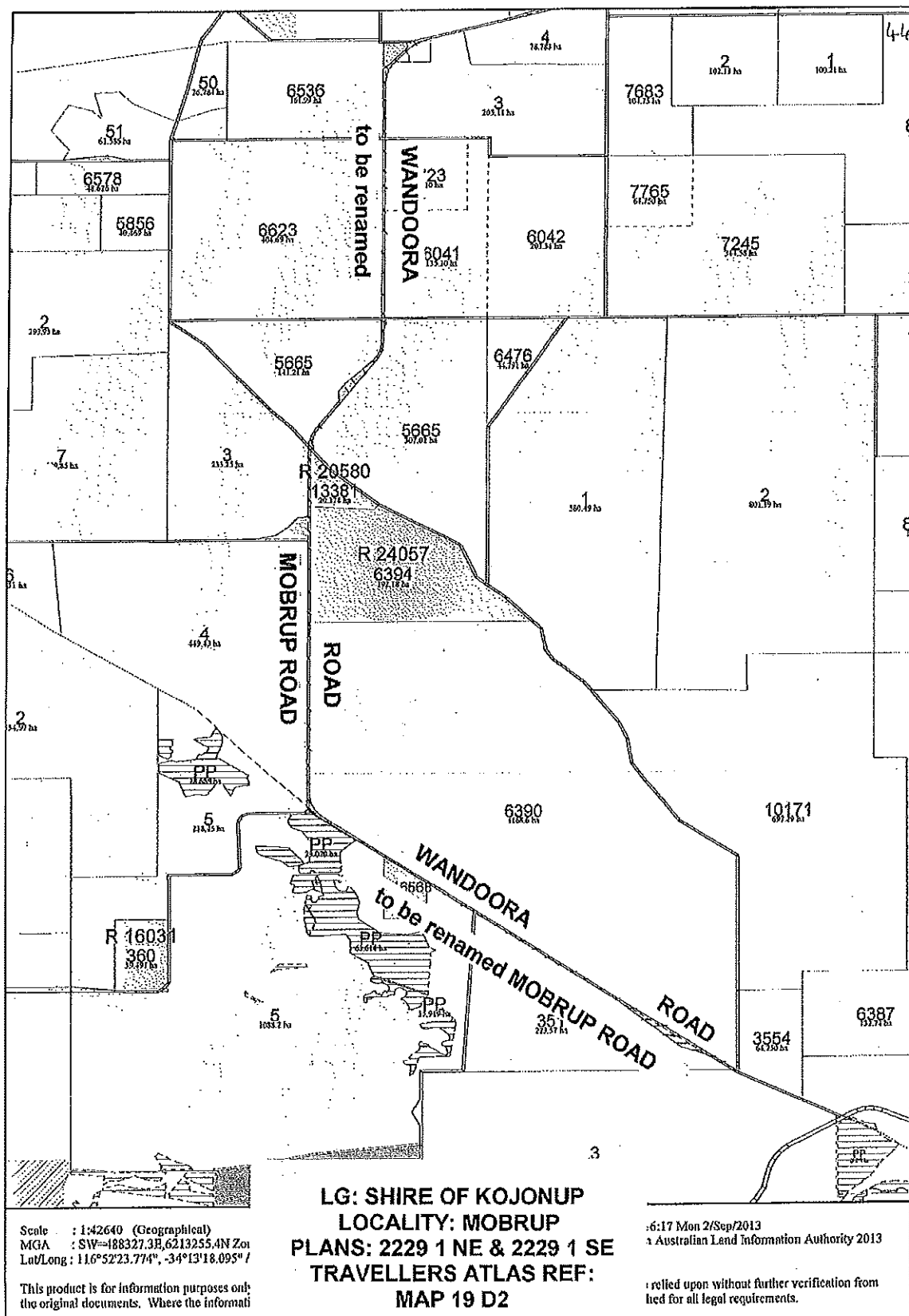
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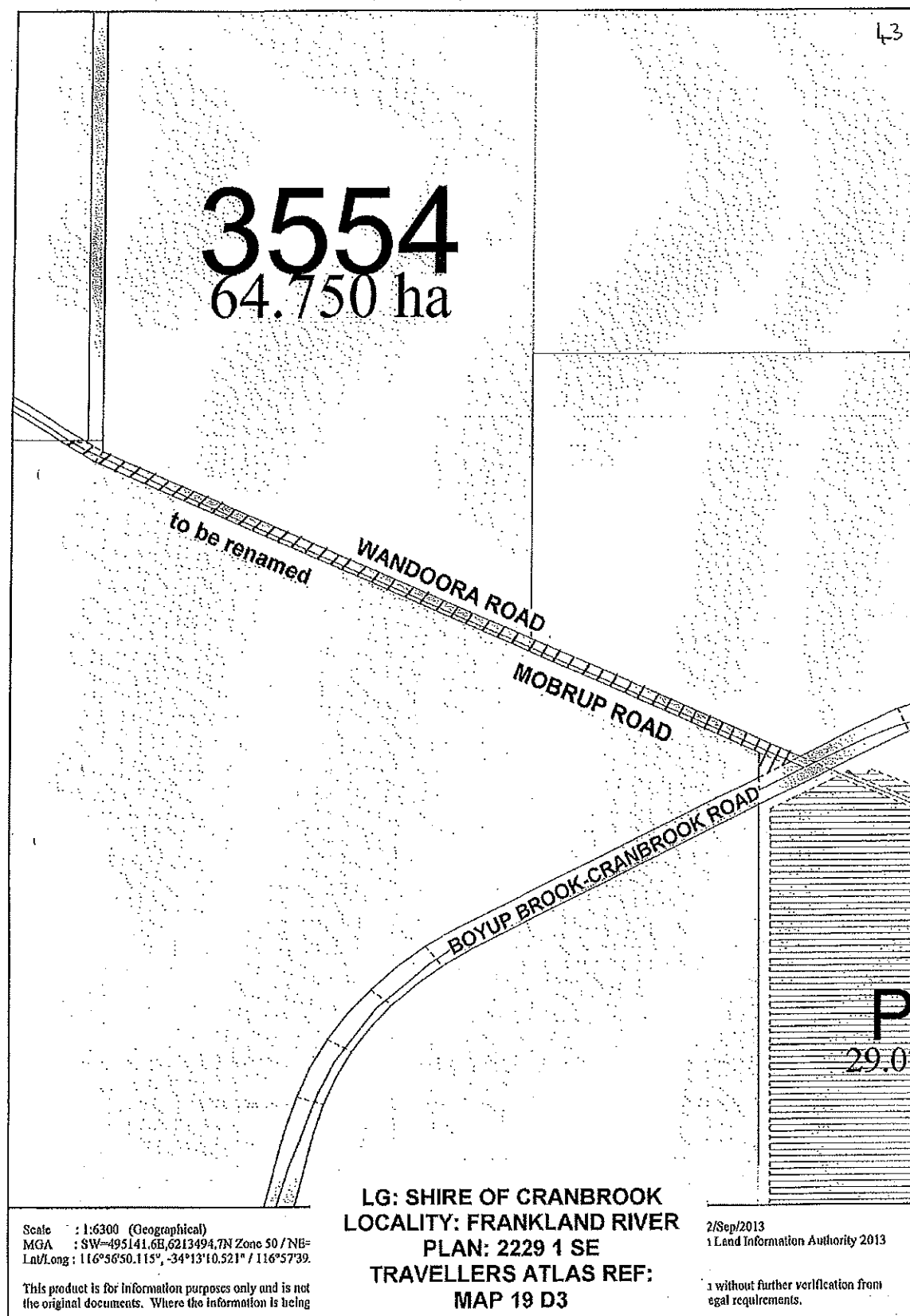
4-6



LG: SHIRE OF CRANBROOK  
LOCALITY: FRANKLAND RIVER  
PLANS: 2229 1 SE  
TRAVELLERS ATLAS REF:  
MAP 19 D3







**11.2 MAIN ROAD CONCURRENCE – PROPOSAL TO WIDEN SECTION OF ALBANY HIGHWAY**

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer  
DATE: 12 September 2013  
FILE NO: RO.ROA.250  
ATTACHMENT: 11.2 Plans from Main Roads WA

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Main Roads WA wish to widen a section of the Albany Highway – north of Wooldridge and Watts Road Intersection to improve the road safety and geometry during summer 2014/15 as per the attached Land Requirement Plans 201301-153 to 201301-156.

**BACKGROUND**

Not applicable.

**COMMENT**

The Officer supports the widening of this section of the Albany Highway as land owners approval has been received by Main Roads WA. Any improvement to the roads within the Shire of Kojonup should be embraced.

**CONSULTATION**

Main Roads WA.

**STATUTORY REQUIREMENTS**

In order for the project to proceed and additional land to be dedicated as road reserve it is a requirement of the Land Administration Act 1997 that Local Authority concurrence be given to the dedication action.

Extract from Land Administration Act 1997:

**“56. Dedication of land as road**

(1) If in the district of a local government —

- (a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or
- (b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —
  - (i) the holder of the freehold in that land applies to the local government, requesting it to do so; or
  - (ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;

or

- (c) land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,

and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.



- (2) If a local government resolves to make a request under subsection (1), it must —
  - (a) in accordance with the regulations prepare and deliver the request to the Minister; and
  - (b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.
- (3) On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then —
  - (a) subject to subsection (5), by order grant the request; or
  - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
  - (c) refuse the request.
- (4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.
- (5) To be dedicated under subsection (3)(a), land must immediately before the time of dedication be —
  - (a) unallocated Crown land or, in the case of a private road, alienated land; and
  - (b) designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.
- (6) If land referred to in subsection (1)(b) or (c) is dedicated under subsection (3)(a), a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that dedication.”

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Main Roads will indemnify Council against all costs and charges that relate to the dedication action.

**STRATEGIC IMPLICATIONS**

There are no strategic implications resulting from this report.

**VOTING REQUIREMENTS**

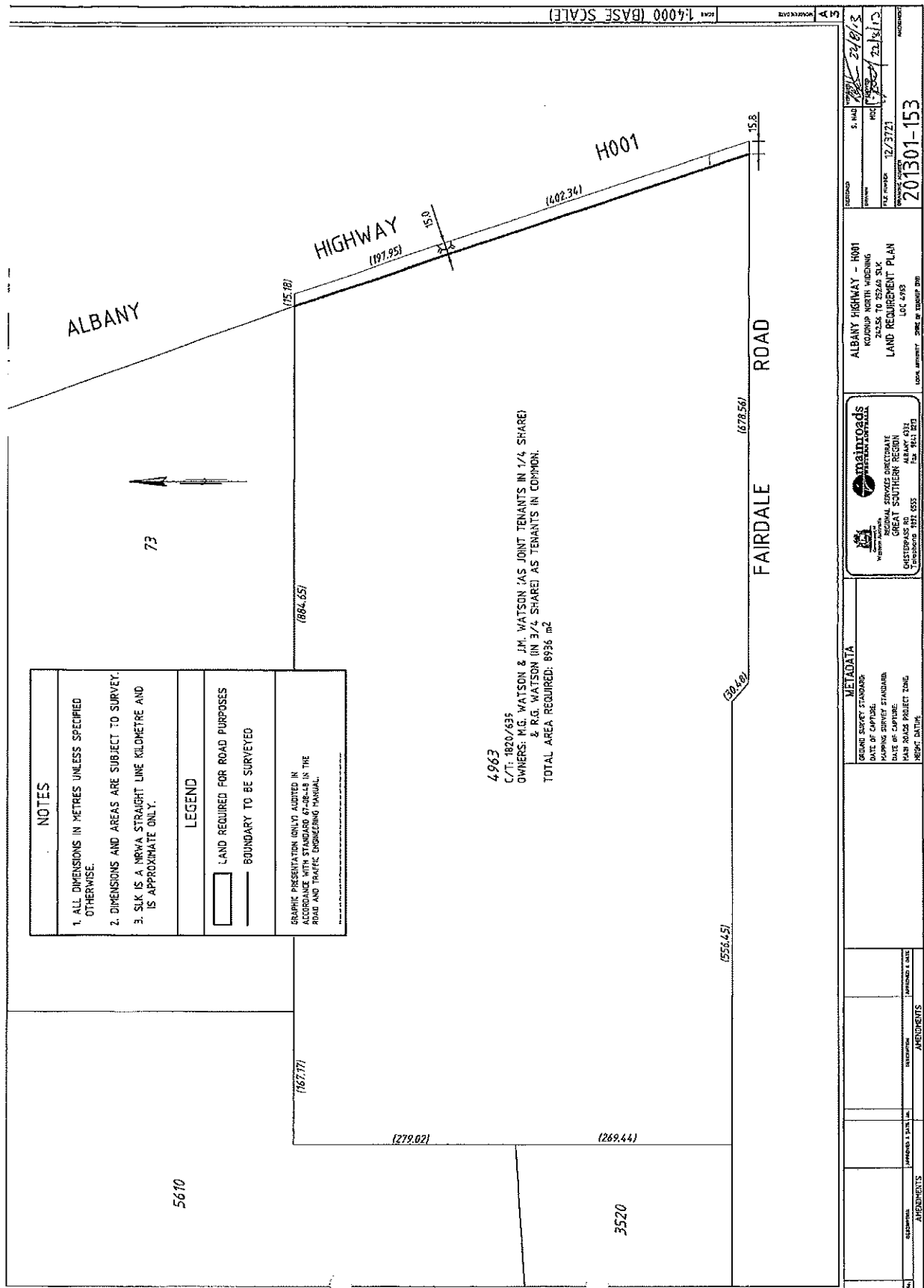
Simple Majority

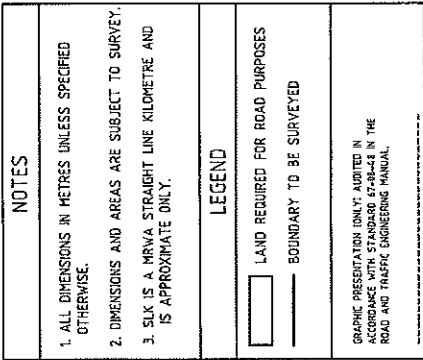
**OFFICER RECOMMENDATION**

**That Council concur to the dedication of the land required for road widening on the Albany Highway – north of Wooldridge and Watts Road Intersection, the subject of Main Roads Drawings 201201-091 and 201201-093 and Land Requirement Plans 201301-153 to 201301-156, as road under Section 56 of the Land Administration Act 1997.**

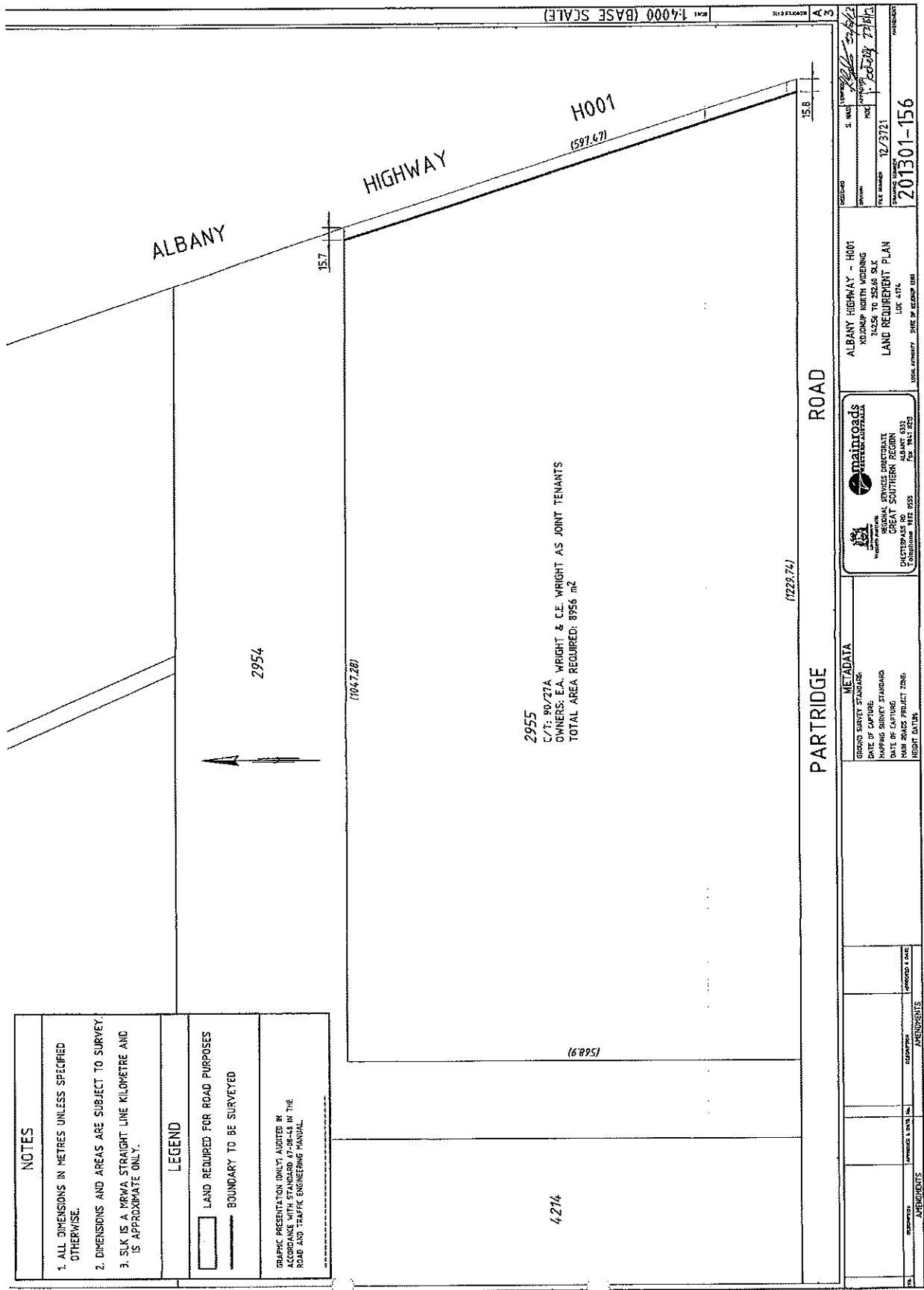
/13 Moved Cr, seconded Cr

CARRIED/LOST /









**12 COMMUNITY & REGULATORY SERVICES REPORTS****12.1 PLANNING APPLICATION FOR ADVERTISING SIGN AT LOT 712 ALBANY HIGHWAY, KOJONUP**

AUTHOR: Phil Shephard – Town Planner  
DATE: 4 September 2013  
FILE NO: DB.BDA.8  
ATTACHMENT: 12.1 Letter from Main Roads, Aerial Map & Sign

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

To consider a planning application to erect and display a 16m<sup>2</sup> (8m x 2m) advertising sign on the above property as outlined in the attached application.

**BACKGROUND**

Nil.

**COMMENT**

The proposal is to erect the double-sided advertising sign and use it for general advertising purposes which will change depending on advertising campaign. The application advises that the sign company Paramount Australia have entered an agreement with the landowner to erect and maintain the sign and are responsible for similar signs in the metropolitan and regional areas.

The sign will be erected in an existing cleared area on the property and be setback 2m from frontage to Albany Highway. The sign will be placed perpendicular to the highway setback 2m from Albany Highway and 20m from the southern boundary and 78m from the northern boundary. It will have a total height of 4m and have a clearance to the ground of 2m. It will not be illuminated.

The applicants comment that the sign:

- Conforms to accepted safety measures.
- Being erected perpendicular improves viewing and avoids potential traffic hazards.
- Does not limit the current or future use of the balance of the site for residential uses.
- Will have not interfered with or have a detrimental impact on the site or surrounding areas.
- No clearing is required.
- Believe the Shire is capable of approving the sign on the site.

There are other large billboard/hoarding type signs within the Shire along the Highway outside of the town area advertising various goods/service or programs etc that are not necessarily available in Kojonup. There are many smaller signs along the highway and other roads in the Shire, indicating the name of the farming enterprise/stud or advertise locally available goods/services.

The property is zoned Residential with a density code of R2.5 (allowing for 4,000m<sup>2</sup> lots) under Town Planning Scheme No. 3 and the objectives for the uses in the zone are spelt out in c.3.2.1 as follows:

- (a) *The zone shall be predominantly residential.*
- (b) *Non-residential uses shall be compatible in character, scale and operation with the predominant residential use.*
- (c) *A non-residential use shall only be permitted if the use does not detract from the amenity of the area.*



*Existing Sign at Entrance to Lot 712 Albany Highway (Proposed Sign will be located south of this sign)*

The proposal for sign is defined as an advertisement in Schedule I – Interpretations in TPS3 which is defined as follows:

*Advertisement means the erection or display of signs or hoardings giving public notice but does not include:*

- (a) A sign relating to the carrying out of building or similar work on the land on which it is displayed;*
- (b) A sign relating to the sale or letting of the land on which it is displayed; or*
- (c) Directional signs, street signs or other like signs erected by a public authority.*

The development of advertising signs is subject to the scheme controls in c.5.17 'Control of Advertising', which requires the proposed advertising sign receive planning approval before it can be erected and displayed.

The sign is classified as a Category 4 sign using Main Roads WA Standards as it is outside the boundary of, but visible from, Albany Highway. The sign complies with Main Roads WA requirements (Main Roads comments attached).

Clause 5.17.3 'Consideration of Applications' advises that Council shall consider the application against the scheme objectives and in particular the affect on the character and amenity of the area and traffic safety.

In assessing the proposal against the scheme objectives and objectives and purpose for the residential zone, the following staff comments are provided for consideration:

Objective	Comment
Scheme	
<i>The intent of the Scheme is to direct and control development in the Scheme Area in such a way as shall promote and safeguard health, safety, convenience and economic and</i>	There are no adopted controls relating to the size or siting of these types of applications available to staff to use in the assessment of the application.



Objective	Comment
<i>general welfare of its inhabitants, the amenities of the area and the environment.</i>	To assist Council determine whether the proposed sign achieves the scheme objectives, in the community's view, would require consultation with them to obtain their comments.
<b>Residential Zone</b>	
<i>(a) The zone shall be predominantly residential.</i>	The proposed sign would have a minor footprint and would not prevent the rest of the land from existing or future residential uses.
<i>(b) Non-residential uses shall be compatible in character, scale and operation with the predominant residential use.</i>	<p>The sign is a non-residential use. The lots in the area north of Robinson Road are larger residential lots and represent the northern limit of the residential zone in the town. The uses on these lots include limited grazing, home occupations and residential.</p> <p>The existing developments and buildings are largely set back from the highway. The proposed sign will be located close to the Highway and significantly in front of other developments along this area.</p> <p>There are no other existing signs of a similar size in the vicinity of the application. Existing signs near the site at substantially smaller in dimensions and advertise locally available goods and services in town and the district, farm enterprises, rural sales, community information etc.</p> <p>Similar general advertising signs are located away from the town boundary such as at the airfield.</p>
<i>(c) A non-residential use shall only be permitted if the use does not detract from the amenity of the area.</i>	<p>TPS3 defines amenity as <i>'the quality of the environment as determined by the character of an area, its appearance and land use, which contributes to its pleasantness and harmony and to its better enjoyment'</i>.</p> <p>To assist Council gauge the impact on the amenity of the area requires consulting with neighbours and community to obtain their views on the proposed sign.</p>

In considering approval/refusal of the application, Council has the following powers through c.6.3 of TPS3:

**6.3 Determination of Applications**

**6.3.1** *In determining an Application for Planning Consent the Council may consult with any authority which, in the circumstances, it thinks appropriate.*

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

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

- a) Refuse the application giving reasons; or
- b) Approve the application with or without conditions; or
- c) Advertise the application to allow for submissions and comment to be submitted on the proposal.

### **CONSULTATION**

Council has received comment from Main Roads (see attached).

If Council proceeds to seek comment on the application, c.6.2 'Advertising of Applications' of the Scheme states:

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

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

- A sign is displayed at the site of the proposed sign.
- The proposal is referred to adjoining/nearby landowners along Albany Highway.
- The proposal is advertised within the Great Southern Herald and Kojonup News.

### **STATUTORY REQUIREMENTS**

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

*Main Roads (Control of Advertisements) Regulations 1996* – Applicant requires approval to erect or construct and exhibit an advertisement in the vicinity of Albany Highway.

*Building Act 2011* – the construction and erection of the sign would require a Building Permit to be issued by Council.

### **POLICY IMPLICATIONS**

Nil.

### **FINANCIAL IMPLICATIONS**

The applicants have paid the required application fee as set out in the adopted Fees and Charges.

Should the applicant challenge a decision to refuse or any conditions placed on an approval through an appeal to the State Administrative Tribunal, there would be costs in Council defending the appeal.

**STRATEGIC IMPLICATIONS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council refuse to grant planning approval for the proposed 16m<sup>2</sup> advertising sign on Lot 712 Albany Highway, Kojonup for the following reasons:**

- 1) The proposed sign is large and out of character with other structures in this part of the residential zone.**
- 2) The proposed sign would adversely impact on the amenity of this location at the entry to town.**
- 3) The proposed sign does not achieve all of the objectives for the use of land in the residential zone.**

**COUNCIL DECISION**

/13 Moved Cr , seconded Cr

CARRIED/LOST /



Enquiries: David Atkinson (08) 9892 0555  
Our Ref: 04/13078-03 D13#479750  
Your Ref:



ABN: 50 860 676 021

10 September 2013

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

**ATTENTION** Mr Phil Shephard - Town Planner

**PROPOSED CATEGORY 4 ADVERTISING SIGN – 140 METRES NORTH OF  
ROBINSON ROAD INTERSECTION ALBANY HIGHWAY KOJONUP**

I refer to your recent email dated 28th August requesting Main Roads comment on the recent application to erected a "Category 4" advertising sign at the above location and apologise for the delay in replying to you.

Main Roads has an obligation to ensure that the road network is as safe as practicable for all road users. The placement of advertising signs positioned directly at motorists is of concern to Main Roads, as it is self-evident that the advertising signs are meant to, and will no doubt distract drivers from their more important tasks of guidance and navigation.

As driver distraction adversely impacts road-user safety, any submission to Main Roads for the installation of advertising signage must comply with the Main Roads guide. The aim of the guide is to ensure road user safety is foremost in all considerations whilst balancing the justified interest of Business or Service to advertise. Main Roads is currently considering a Draft Policy and Applications Guidelines for Advertising Signs Within and Beyond State Road Reserves and these guidelines have recently been released for comment. In the interim, the Main Roads website contains the currently applicable "Guide to the Management of Roadside Advertising".

As this sign is located on private property, Council's Building Regulations and Planning Schemes govern the sign's structure and subsequent approval and Main Roads' approval/recommendation is related to issues of road safety only.

Therefore, approval should first and foremost be the responsibility of Local Governments to control and manage under the Local Government Act 1995, the Planning and Development Act 2005 and Councils own Policy on Advertising Signs and local bylaws, as well as the Australian Association of National Advertisers Code of Ethics.

In this instance, the proposed sign;

- Is to be located on private property adjacent to Albany Highway 140 metres north of Robinson Road intersection;
- Within a 60 km/h speed zone;
- The fence line is 4.5 metres from the edge of the travelled way; and
- The proposed location is more than 1.2 Vm from any existing traffic sign.



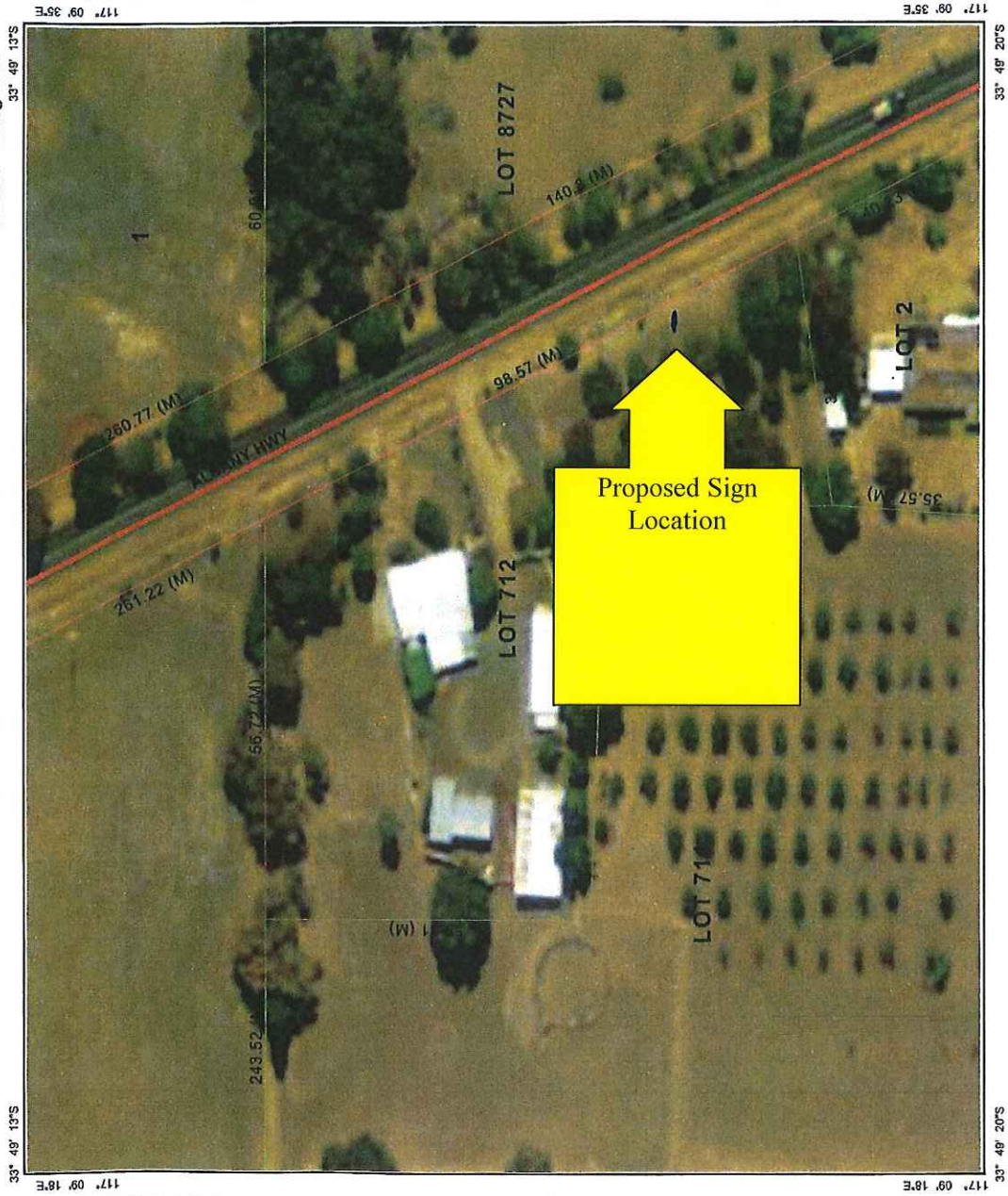
Therefore, Main Roads would not object to the placement of this sign on safety grounds provided the sign was non-illuminated, non-rotating, does not resemble a traffic sign and does not contain objectionable advertising content. If you require any further information, please contact David Atkinson (08) 9892 0555 or email [gsreg@mainroads.wa.gov.au](mailto:gsreg@mainroads.wa.gov.au).

Peter Stringer  
NETWORK MANAGER



# Site Plan - Lot 712 Albany Highway, Kojonup

Created 6 Aug 2013



Scale: 1:800

Description

-- Sign Location

Map Projection: GDA 94 (Lat/Long)

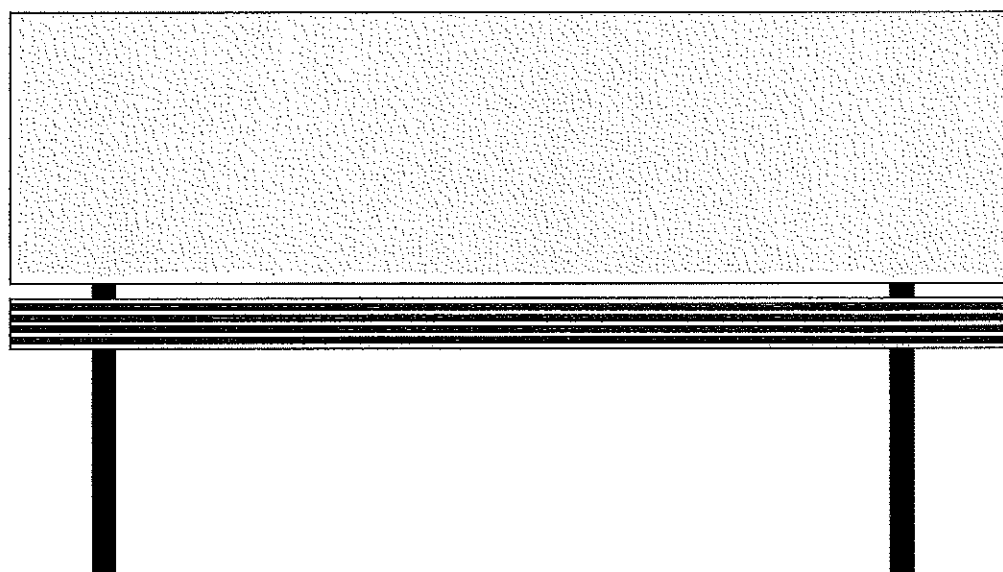
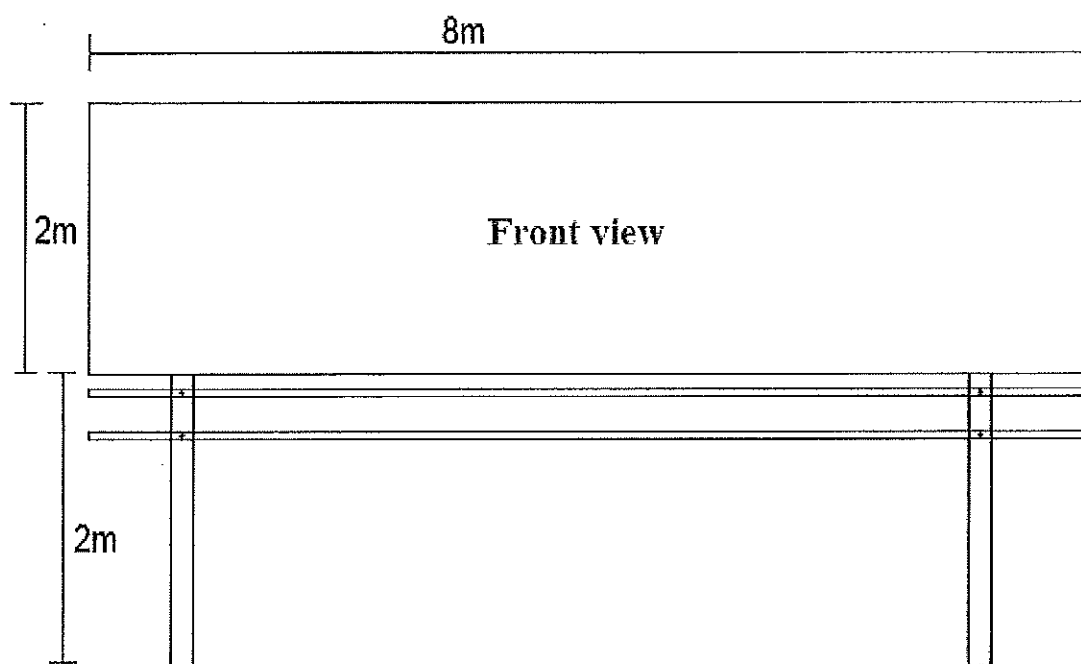
Datum: Geocentric Datum of Australia 1994

1 Midland Square  
Midland WA 6056  
(08) 9273 7341  
customerservice@landgate.wa.gov.au  
www.landgate.wa.gov.au



**Landgate**

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## 12.2 KOJONUP CEMETERY – CHEMLOO PORTABLE TOILET

AUTHOR: Mort Wignall – Manager Regulatory & Community Services  
DATE: Tuesday, September 10, 2013  
FILE NO: CP.MTC.5  
ATTACHMENT: Nil

### **DECLARATION OF INTEREST**

Nil

### **SUMMARY**

Council has a Chemloo portable unisex disabled toilet which was purchased approximately four years ago which is in very good condition and has hardly been used. It's considered that it would be suitable for use at the Kojonup cemetery, in lieu of constructing a toilet facility which has been under consideration for the past few years.

### **BACKGROUND**

Since acquisition of the portable toilet, it has generally been located at the showgrounds and for the initial period was used by the gymnastics club who conducted their activities in one of the buildings at the showground premises. However, that club has not been operating for about the past two years, and apart from use at the last two P & A Society Shows and one private hire, the unit has been stored at Council's work depot.

It's therefore considered that better use may be made of the unit by locating it at the cemetery and it may also serve the needs of persons visiting the nearby historic collections housed at the Elverd Cottage premises in Soldier Road.

### **COMMENT**

Location of the unit at the cemetery will require minimal cost and site preparation. It needs to be placed on a level compacted gravel base and secured on each corner of the unit by attachment of chains to an eye bolt cast into concrete anchor blocks. The chains will be locked to the eyebolt that will enable the toilet to be unlocked and mobilised to a venue for a community event if required. It's not proposed that it continue to be available for private hire while it is allocated for use at the cemetery. It is further proposed that this arrangement be for a trial period of approximately six months following which use of the unit as a permanent unisex toilet facility is reviewed to determine its suitability as a long term option for the cemetery.

The toilet will be located in a position able to be easily accessed by the liquid salvage contractor for servicing and our staff will provide a regular cleaning service and check on the water level in the inbuilt storage tank required for flushing of the unit which will require replenishing from time to time dependent on the extent of use.

### **CONSULTATION**

The option of locating the unit at the Kojonup cemetery was discussed at the last Council briefing session.

### **STATUTORY REQUIREMENTS**

Shire of Kojonup Health Local Laws

### **POLICY IMPLICATIONS**

Council Policy Relating to Hiring of Portable Chemloo Toilet

### **FINANCIAL IMPLICATIONS**

There will be a minimal cost in siting the portable toilet at the cemetery which can be met from funds allocated in the budget for a toilet facility for the cemetery.



**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

1. That the portable unisex disabled toilet be located at the Kojonup cemetery for a trial period of approximately six months following which the situation be reviewed to determine the suitability of the unit as a long term option for the provision of a toilet facility for the cemetery.
2. That the toilet's use is limited to the cemetery and subject to availability, other occasional Shire or major community event and is not available for private hire.
3. The portable toilet is not available for private hire whilst it is allocated to the Kojonup cemetery.

**COUNCIL DECISION**

/13 Moved Cr

, seconded Cr

CARRIED/LOST

/

**13 EXECUTIVE & GOVERNANCE REPORTS****13.1 TRANSFER OF LOT 8 PIESSE STREET MURADUP - CWA**

AUTHOR: Kim Dolzadelli – Manager of Corporate Services  
DATE: Friday, September 06, 2013  
FILE NO: A20487  
ATTACHMENT: 13.1.1 Offer and confirmation from CWA  
13.1.2 Confirmation from Muradup Hall Committee  
13.1.3 Copy of Certificate of Title

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To consider an offer from Country Women's Association of WA (CWA) to accept ownership of Lot 8 Piesse Street, Muradup.

**BACKGROUND**

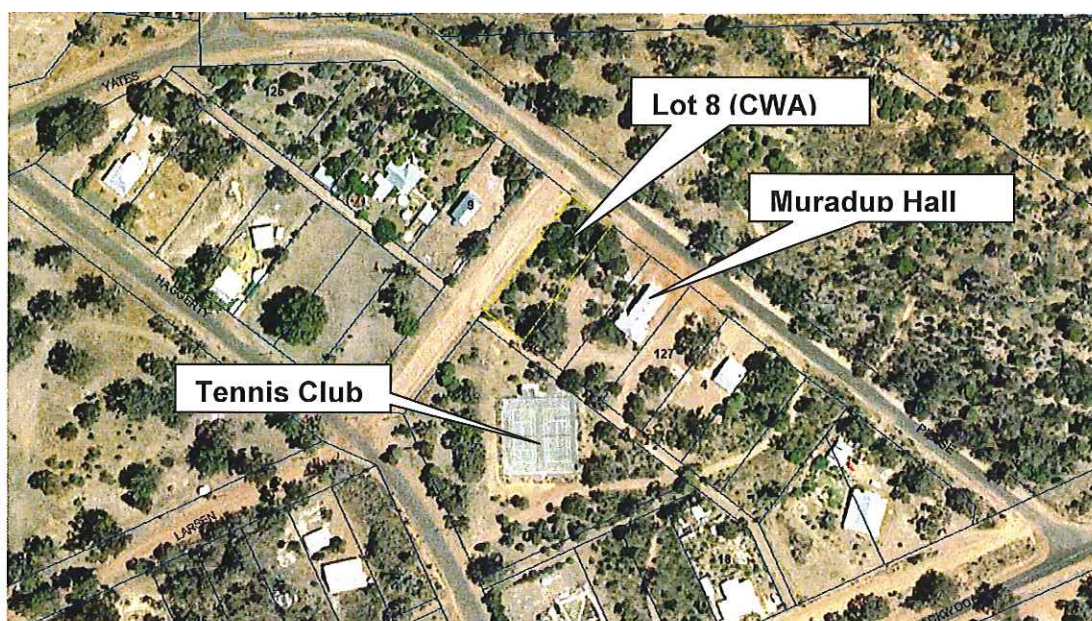
The Shire of Kojonup received formal approaches from CWA in April 2009 and February 2010 requesting that the Shire of Kojonup consider taking over the ownership and management of the Lot 8 Piesse Street, Muradup for the benefit of the Muradup Community. In August 2013 confirmation as to the status of this offer was sought from the General Secretary of CWA and advice has been received confirming that the offer still stands. The correspondence is attached to this Agenda.

Council was briefed on this proposal on 20<sup>th</sup> August 2013.

**COMMENT**

Discussions have been held with the Secretary/Treasurer of the Muradup Agricultural Hall Committee (MAHC) who has confirmed that they are keen to assist the Shire in anyway with any maintenance of the Lot to ensure that the block is preserved for the benefit of the community.

The lot in question is located adjacent to the land that the Muradup Hall is located on.





The MAHC is keen to enhance the amenity of the precinct by tidying up the block and opening up access to the CWA Wishing Well that is located on the block. They also recognise that there is a need to ensure the block is maintained from a Fire Safety perspective and have indicated that they will work together with the Muradup Volunteer Bushfire Brigade to undertake this maintenance.



The Officer will be recommending accepting the gift of the Lot from CWA.

#### **CONSULTATION**

Secretary/Treasurer – Muradup Agricultural Hall Committee.

General Secretary – Country Women's Association of WA Inc.

Councillors present at the Council briefing session held 20<sup>th</sup> August 2013.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

The gifting of the Lot is for no financial consideration. CWA have indicated that they will pay for all transfer / conveyance costs if required. It is expected that any ongoing maintenance liability for the Lot would be very minimal given the commitment from MAHC.

#### **STRATEGIC IMPLICATIONS**

Nil.

#### **VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION**

**That Council:**

- 1. Accepts the offer from Country Women’s Association of WA Inc of the gifting of Lot 8 Piesse Street, Muradup to the Shire of Kojonup,**
- 2. Authorise the Chief Executive Officer to finalise the transfer / sale of the CWA Hall to the Shire of Kojonup for Nil consideration, and to give any required notice under the Local Government Act 1995, and**
- 3. Authorise the Shire President and Chief Executive Officer to affix the common seal on any transfer / sale documentation as required.**

**COUNCIL DECISION**

/13 Moved Cr , seconded Cr

CARRIED/LOST /

Attachment 13.1.1

7 8 FEB 2010



THE COUNTRY WOMEN'S ASSOCIATION OF WESTERN AUSTRALIA (INC.)  
NON-PARTY POLITICAL NON-SECTARIAN

16 February 2010

ICR532

SHIRE OF KOJONUP					
FILE:	A20487				
CEO ✓	MCS	MRCs	WM	COPO	PB
MR	SFO	NRSM	SHM	PLAN	

Mr Stephen Gash  
CEO  
Shire of Kojonup  
PO Box 163  
KOJONUP 6393

Dear Mr Gash

Re Lot 8 Plesse Street, Muradup

I refer to the attached correspondence dated 7 April 2009.

Can you please advise if any decision was made by Council regarding the above?

Yours sincerely

Anne Gething (Mrs)  
General Secretary

7 April 2009

Mr Stephen Gash  
CEO  
Shire of Kojonup  
PO Box 163  
KOJONUP 6393

Dear Mr Gash

Re Lot 8 Plesse Street, *Muradup*.

The Muradup Branch of the Association was given the above town lot, which is adjacent to the Muradup Hall, in 1954.

Members of the branch have maintained the area, planted native shrubs and set up a wishing well.

Unfortunately the care of the block has become too onerous for the members and it is their wish that the block, recently valued at \$3000, be given to the Muradup Hall Committee for the local community.

The Muradup Hall Committee has agreed to assist the Shire in any way with the maintenance to ensure the block is preserved for the community.

Is the Shire of Kojonup prepared to accept this gift on behalf of the Muradup community?

Yours sincerely

Anne Gething  
General Secretary

COPY

Page 1 of 1

**Kim Dolzadelli**

---

**From:** General Secretary CWA of WA [gensec@cwaofwa.asn.au]

**Sent:** Monday, 19 August 2013 1:57 PM

**To:** Kim Dolzadelli

**Subject:** Muradup CWA land

Dear Kim

Thank you for your inquiry regarding Lot 8 Piesse Street, Muradup.

It is confirmed former members of the CWA Muradup Branch are very keen for this land to be gifted to the Shire of Kojonup, as requested in our 2009 correspondence, for the benefit of the Muradup community.

Regards

Anne



Anne Gething  
General Secretary  
Country Women's Association of WA Inc.  
1176 Hay Street  
WEST PERTH WA 6005  
Phone: 08 9321 6041  
Fax: 08 9321 6024  
Email: gensec@cwaofwa.asn.au

19/08/2013

Page 1 of 1

*Attachment 13.1.2*

**Kim Dolzadelli**

---

**From:** Bruce Berryman [mberryman@iinet.net.au]

**Sent:** Sunday, 18 August 2013 11:32 AM

**To:** Kim Dolzadelli

**Subject:** Muradup Hall Committee- CWA block

Hello Kim,

Re our conversation the other day I confirm that the Hall Committee would help the shire in looking after the block should it be returned to the shire. If you require a formal letter I can write one although our President John Sexton is away at the moment. We did communicate with the CWA Head Office in a letter in 2008 on this matter and it would still stand.

Kind regards

Denise Berryman

(Sec / Treasurer – Muradup Hall Committee )

19/08/2013



COPY

## THE MURADUP AGRICULTURAL HALL

C/- R.M.B 112  
KOJONUP  
W.A. 6395  
5/12/08

ANNE GETHING  
GENERAL SECRETARY  
THE COUNTRY WOMENS ASSOCIATION  
P.O BOX 97  
WEST PERTH  
W.A 6872

Dear Mrs Gething,

I refer to your letter dated the 26<sup>th</sup> of November about the matter of Lot 8 Piesse Street, Muradup.

The Hall Committee confirms that the Shire of Kojonup is the body to hold the block in trust for the Muradup community. Please direct all correspondence to the Shire of Kojonup on this matter.

The Hall Committee will assist the Shire in any way with the maintenance to ensure the block is preserved for the community.

Yours sincerely,

Denise Berryman  
( Sec / Tres )

cc. Secretary, Muradup C.W.A.  
cc. C.E.O. Shire of Kojonup

Attachment 13.1.3

WESTERN



AUSTRALIA

# RECORD OF CERTIFICATE OF TITLE UNDER THE TRANSFER OF LAND ACT 1893

REGISTER NUMBER <b>8/DP222873</b>	
DUPLICATE EDITION <b>N/A</b>	DATE DUPLICATE ISSUED <b>N/A</b>

VOLUME 450 FOLIO 134

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

REGISTRAR OF TITLES



## LAND DESCRIPTION:

LOT 8 ON DEPOSITED PLAN 222873

## REGISTERED PROPRIETOR: (FIRST SCHEDULE)

THE COUNTRY WOMEN'S ASSOCIATION OF WESTERN AUSTRALIA INC OF "KENDENUP" HAY STREET, WEST PERTH

(T T22769/1954) REGISTERED 18 NOVEMBER 1954

## LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS: (SECOND SCHEDULE)

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.  
\* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.  
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

## STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.


SKETCH OF LAND: 450-134 (8/DP222873).  
PREVIOUS TITLE: This Title.  
PROPERTY STREET ADDRESS: LOT 8 PIESSE ST, MURADUP.  
LOCAL GOVERNMENT AREA: SHIRE OF KOJONUP.

- NOTE 1: A000001A LAND PARCEL IDENTIFIER OF MURADUP TOWN LOT/LOT 8 (OR THE PART THEREOF) ON SUPERSEDED PAPER CERTIFICATE OF TITLE CHANGED TO LOT 8 ON DEPOSITED PLAN 222873 ON 04-JUN-02 TO ENABLE ISSUE OF A DIGITAL CERTIFICATE OF TITLE.
- NOTE 2: THE ABOVE NOTE MAY NOT BE SHOWN ON THE SUPERSEDED PAPER CERTIFICATE OF TITLE OR ON THE CURRENT EDITION OF DUPLICATE CERTIFICATE OF TITLE.

Superseded - Copy for Sketch Only

10591/09 187463 1909/03  
 187441 1911 1911  
 40257/54 521250 1909/07

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REGISTER BOOK.  
Vol. 150 Fol. 134

WESTERN AUSTRALIA.

**Certificate of Title**

under "The Transfer of Land Act, 1893,"  
Sch. 5, Vol. 14.

*Joseph William Anthony of Kojonup*

is now the sole proprietor

of an estate in fee simple in possession subject to the covenants and encumbrances specified hereunder, in the natural surface and to such as is below the natural surface to a depth of two hundred feet of all

blocks piece of land delineated and coloured yellow on the map hereon,

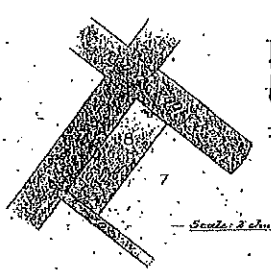
containing one hundred and sixteen acres —

or thereabouts, being MURADUP

transferred 20/6/1950 to Raymond John Haggerty of Kojonup, Farmer. Registered 9th February 1950 at 1100.

Transfer 22/6/1950 to The Country Women's Association of Western Australia (Incorporated) of "Henderson Way" Street, West Perth. Registered 18th November 1950 at 3100.

*J. W. Haggerty*



Scale: 2 chains to 1 inch

Dated the 22nd day of February One thousand nine hundred and fifty

*J. W. Haggerty*  
Registrar of Titles.

For encumbrances and other matters affecting the land see back.



13.2 RESIDENTIAL ACCOMMODATION FOR SENIORS (INDEPENDENT LIVING UNITS) IN THE SOUTHERN LINK REGION – STAGE 1: PROVISION OF INDEPENDENT LIVING UNITS IN CRANBROOK AND KOJONUP

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer  
DATE: 19 August 2013  
FILE NO: GR.LRL.2  
ATTACHMENT: 13.2 Site Plan

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The Southern Link Voluntary Regional Organisation of Councils (VROC) has applied for \$1.65 million excluding GST from the Royalties for Regions Country Local Government Fund (CLGF) for the construction of six (6), Independent Living Units (ILU). The Fund Grant Application was duly executed by VROC Shire Presidents and Chief Executive Officers in May 2013. **The project aims for the construction of 3 two-bedroom units for seniors to be built in Cranbrook and 3 two-bedroom units for seniors in Kojonup. The 3 units will be owned and operated by the Shire of Kojonup.**

**Kojonup Shires allocation for the construction of three (3) ILU is \$768,750 and a further \$90,000 towards land subdivision costs. Total allocation: \$858,750 excluding GST.**

The estimated start date of project is 1 November 2013 with completion before 30 October 2014. Council Minutes do not show where the Council has actually endorsed the VROC funding submission or its execution which is of concern from a governance perspective.

**BACKGROUND**

Elected Members viewed potential areas for units with the Acting CEO and at the Briefing Session held 9 July 2013 agreed *“That the Acting Chief Executive Officer obtain concept plans for both Piesse Park & Old Drive In Site.”*

Manager of Regulatory & Community Services at the Briefing Session held 23 July 2013 updated Elected Members on conceptual plans prepared by H & H Architects for Independent Living Units at Bowler Place or on land between Murby Street and Katanning Road.

Elected Members at the Briefing Session held 6 August 2013 agreed *“That H & H Architects be advised that no further work be carried out on the design of units until the conceptual plans already submitted have been discussed at the next VROC meeting in approximately 2-3 weeks”.*

**COMMENT**

The next VROC CEO meeting is not scheduled to be held until 9 October 2013 as a number of CEO's will be on leave during September. Rather than wait a further two months and delay site planning options I have initiated discussions of the VROC proposal with Acting CEO's and sought clarification of development guidelines from VROC members such as Plantagenet who have extensive experience in ILU.

Of particular interest are the various development/building envelope options within appropriately zoned areas where ILU can be either rented (as is the case at Loton Close) or Strata Titled allowing funds to be used for future ILU development either as a cluster or on an individual basis depending on lots meeting certain development criteria for construction either by Council, private sector or other entity.

There is no mention of criteria to be used by VROC Councils in prioritising potential occupant's needs that may or may not have expressed an interest in the units. The business case for the project

makes specific reference to aged accommodation that will contribute to filling gaps in residential options for seniors living in the Shires of the Southern Link. Reference is further made that the project will allow for older residents to remain in rural towns and continue contributing to their local communities. *Table 4 (Page 16) of the Business Case proposal identifies that 17 individuals are currently on a waiting list for units at Kojonup. Building 3 units as per Stage 1 of the Grant Application will be owned and managed by the Shire of Kojonup.*

The above statement implies Council will adopt a similar development and management approach used at Loton Close where some of the units are rented. Rental value will be reviewed annually.

#### **Council Policy Manual 2013 – Policy 1.3 Aged Care Units.**

The present objective of the policy is: - “To provide for independent living for aged people in Kojonup by way of two bedroom self-contained units.

#### **Policy**

- To provide self-contained accommodation for residents over the age of 65.
- A waiting list is maintained by the Shire of prospective residents. The date of register is the order in which offers are made to fill any vacancies. Preference is given to local residents.
- The units are let on a rental basis with 4 weeks bond applicable.
- Pets are allowed but are to be housed outside and are not to be a nuisance to other residents”.

The current policy requires an extensive overhaul which is complemented by appropriate compliance, cost/benefit analysis, permitted use zoning, risk and asset management plans and prospective clients means testing to cater for:-

1. Strata Title developments.
2. Capital contribution and weekly rent option with pro-rata rebate for early exit or full retention after predetermined number of years e.g. 12 years.
3. Rental only option.

#### **Siting Options**

##### **1. Piesse Park**

The area is presently public open space and zoned Recreational under the Town Planning Scheme No.3 Part II 2.3.

Section 2.3.1 states:-

*“The objectives for land shown as Recreation on the Scheme Map are:-*

- (a) To secure and reserve land for public access and recreation.*
- (b) To maintain public recreation areas for the use of sporting and recreation bodies.*
- (c) To preserve areas of natural vegetation worthy of retention.*
- (d) To provide visual or noise buffer areas between incompatible users.*
- (e) To reflect and protect areas already set aside for National Parks or Crown Reserves”.*

Piesse Park pays tribute to the legacy of William Roper and Elizabeth Ellen Piesse and their children who are synonymous in the District, in particular the Katanning area through the merchant enterprise and winery pursuits of their sons Frederick and Charles.

Frederick had a distinguished political career and his brothers Arnold, Charles and Alfred, also sat in the Western Australian parliament. One of Frederick’s sons, H.V.Piesse was a legislative Councillor in 1932-44 and a nephew, E.S.R. Piesse was a Commonwealth Senator in 1950-52. Piesse family descendants remain prominent farmers within Kojonup.

To contemplate the siting of ILU’s within Piesse Park would require a rezoning application and with it the potential for public representation objecting to a change in use given the Piesse family heritage, change in visual amenity and some of the land prone to flooding requiring fill. Piesse Park is therefore considered an inappropriate location for ILU’s both now and in the future given other land availability.

## 2. Old Drive-In (Between Murby Street & Katanning Road)

The area is zoned R10/20 as per the Shire of Kojonup Town Planning Scheme No.3 which encourages single house, multiple or grouped dwellings subject to compliance with State Planning Policy 3.1 Residential Design Code and amendments.

The aim of the R-Codes is to provide general site requirements of dwellings with respect to:-

- Minimum site area per dwelling,
- Minimum lot area/rear battle axe,
- Minimum frontage,
- Open Space
- Minimum setbacks to streets/boundaries.

The area is conducive to residential subdivision with a mixture of single dwellings and units. Single dwellings on lots averaging 800-1000m<sup>2</sup> provides sufficient area for a detached shed/garage and secured parking/storage for boats/caravans. Normal urban residential Lots of approximately 600-700m<sup>2</sup> could be provided but only if full sewer reticulation was available.

Unit clusters allowing for strata title development are also appealing in the area if appropriately designed and lots clearly identified in the subdivision proposal in preference to an ad hoc approach. Once again, sewer infrastructure would determine building envelope and lot sizes as the area unfortunately does not have reticulated sewer. Such developments ideally should be private sector driven allowing Council to focus on APA given the perceived demand as identified in the VROC business case proposal.

The area could accommodate ILU; however it is not the preferred location at this time for a one-off 3 unit development as per the business case proposal lodged by the Southern Link VROC where tenants will rent the units from Council.

## 3. Springhaven –Land fronting Soldier Road

The land is zoned Special Use Aged Persons Accommodation as per the Shire of Kojonup Town Planning Scheme No.3. The use of land in the Special Use Zone (3.2.5) shall be consistent with the following objectives:

- “(a) To provide an area where special uses can be operated under the specific control of the Council in order to maintain the safety, health and welfare of surrounding users.
- (b) To enable the Council to impose specific conditions to restrict the use and operation of any development that would normally not fit within the ambit of any other zone in this scheme”.

Section 3.5 of the Planning Scheme states:-

*“No person shall use land or any building or structure thereon in a special use zone, except for the purpose set against that land in Schedule II and subject to compliance with any conditions specified in the Schedule, or in a Town Planning Scheme Policy, with respect to the land”.*

The area of land has been specifically and deliberately set aside under the existing Planning Scheme for Aged Person Accommodation (APA) in recognition of the Springhaven Aged Care Facility and nearby Loton Close ILU's. Aged Person Accommodation could consist of an extension of the Springhaven Facility and ILU's or a combination of APA for single or couples with ancillary support from Springhaven regarding meals, health/well-being services and monitoring. The area is within the defined APA precinct and in close proximity to the Hospital.

The land is ideally situated (subject to Engineering Assessment) for ILU development as proposed by the Southern Link VROC application with tremendous potential for future APA's managed by the Shire of Kojonup.

There are other positive aspects to this area other than amenity and visual benefits including:-

- Ability to define and upgrade staff/visitor vehicle access and parking including Ambulance and service vehicles while providing access to APA.
- Alternative main access to Springhaven as limited car parking spaces off Barracks Place make it difficult to manoeuvre (which has been verified in writing by visitors).
- Centralise APA within a defined precinct on Council owned land.
- Maximise development potential for APA in relatively close proximity to essential utilities and services including the shopping precinct.
- Provision for future staged cluster development as per H & H Architects design drawings previously viewed by elected members at the Briefing Session held 23 July 2013.

### **CONSULTATION**

Undertaken as part of business case proposal and development of the Community Strategic Plan.

### **STATUTORY ENVIRONMENT**

Compliance with:-

- Planning Scheme provisions,
- Building Code of Australia,
- Engineering,
- State/Regulatory Authorities,
- Project milestones and reporting requirements,
- All inspections and acquittals.

### **POLICY IMPLICATIONS**

Councils Policy Manual 2013 – Policy 1.3 Aged Care Units encourages the development of ILU's. Community Strategic Plan 2013-2023 Being Healthy Commitment Register (Page 10) states:-

*“Review existing access criteria and the financial viability of Shire owned/managed aged care units.”*

### **FINANCIAL IMPLICATIONS**

The project will not commence until Council has received written notification from the Southern Link VROC that the Royalties for Regions, Country Local Government Fund Application for Independent Living Units has been approved.

### **STRATEGIC IMPLICATIONS**

The project recognises the community need for ILU development within the Shire of Kojonup as identified in the Community Strategic Plan 2013-2023.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER'S RECOMMENDATION**

**That the Shire of Kojonup endorse the Southern Link VROC Royalties for Regions, Country Local Government Fund Application for the construction of three (3) Independent Living Units totalling \$858,750 excluding GST to form Stage 1 of Aged Person Accommodation on land owned by the Shire, west of the Springhaven Aged Care Facility off Soldiers Road as per the attached site plan.**

### **COUNCIL DECISION**

/13 Moved Cr

, seconded Cr

CARRIED/LOST

/





**14     COMMITTEES OF COUNCIL**

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

**16     NEW BUSINESS**  
(of an urgent nature, introduced by a decision of the meeting).

**17 CONFIDENTIAL REPORTS****17.1 REQUEST FOR DEFERRMENT OF PAYMENT OF RATES****17.2 KOJONUP CEMETERY**

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer  
 DATE: Friday, 06 September 2013  
 FILE NO: A22210, CP.MTC.5  
 ATTACHMENT: Confidential Reports & Attachment

**SUMMARY**

The purpose of this item is to consider a request for deferment of payments of Rates.

The purpose of this item is to ascertain the necessity and demand for the purchase of land adjoining the Kojonup Cemetery for future expansion.

**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

**OFFICER RECOMMENDATION**

That the meeting be closed to the public for Items 17.1 and 17.2 in accordance with s5.23 of the Local Government Act 1995 to discuss:

- 'the personal affairs of a person and which relates to a matter to be discussed at the meeting'.
- 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;

COUNCIL DECISION

/13 Moved Cr , seconded Cr

CARRIED/LOST

/

**18     NEXT MEETING**

Tuesday, 15<sup>th</sup> October 2013 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 10.1.1	Monthly Statement of Financial Activity 1 <sup>st</sup> July 2013 to 31 <sup>st</sup> July 2013
Item 10.1.1	Appendix A – Springhaven Aged Care Facility Monthly Statement of Financial Activity 1 <sup>st</sup> July 2013 to 31 <sup>st</sup> July 2013
Item 10.1.2	Monthly Statement of Financial Activity 1 <sup>st</sup> July 2013 to 31 <sup>st</sup> August 2013
Item 10.1.2	Appendix A – Springhaven Aged Care Facility Monthly Statement of Financial Activity 1 <sup>st</sup> July 2013 to 31 <sup>st</sup> August 2013
Item 10.2	Monthly Payment Listing
Item 17.1	Confidential Reports & Attachment