

SHIRE OF KOJONUP

# Kojonup



# MINUTES

Ordinary Council Meeting

17 May 2022

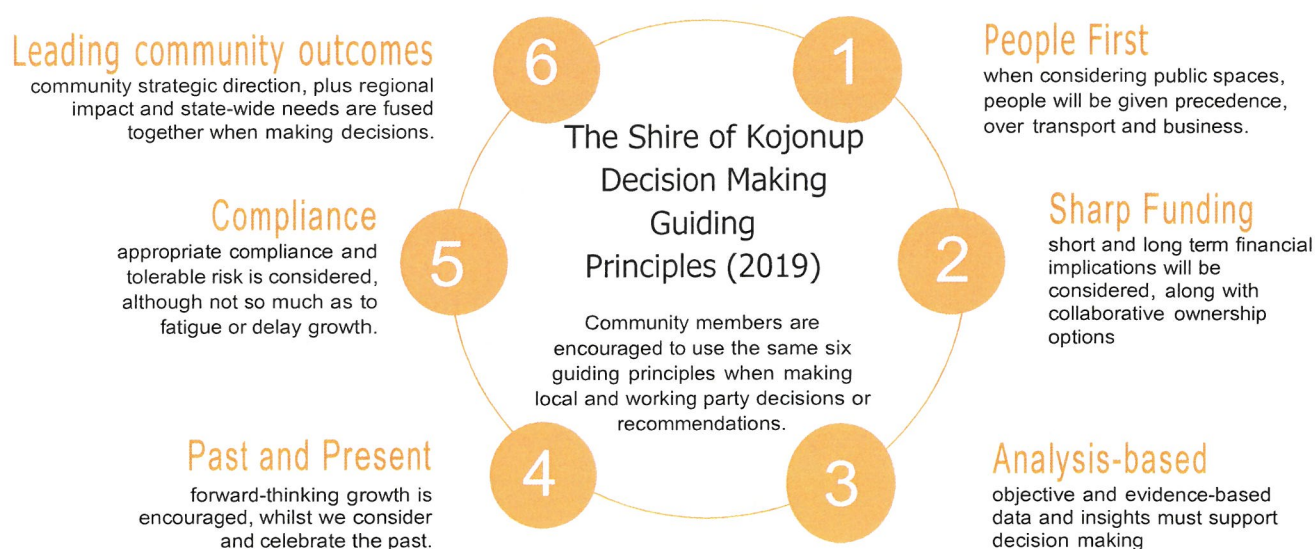
MINUTES OF A COUNCIL MEETING HELD ON 17 MAY 2022

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The Shire of Kojonup has a set of six guiding principles it uses when making decisions. These principles are checked and enhanced every two years in line with the Strategic Community Plan review schedule.





## MINUTES

### 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President declared the meeting open at 3.00pm and drew the meeting's attention to the disclaimer below:

#### *Disclaimer*

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

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

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

#### **Acknowledgement of Country**

*The Shire of Kojonup acknowledges the first nations people of Australia as the Traditional custodians of this land and in particular the Keneang people of the Noongar nation upon whose land we meet.*

*We pay our respect to their Elders past, present and emerging.*

#### **Prayer – Cr Gale**

*Gracious Father, we acknowledge you as our Maker and Judge. We ask for wisdom for our reigning monarch Queen Elizabeth. Grant to her good health and strength in the executing of her duties.*

*We pray for all Ministers and Cabinet members of the Australian Federal and State Government. Grant to them wisdom in the welfare of Australia, so that truth and justice is established for all Australians.*

*Lastly Gracious Father, we pray for ourselves. We ask that you might grant to us the ability to speak with integrity and to work with uncompromising diligence. Grant to us the wisdom to make good decisions, remembering that we are one community. Grant to us the good humour to keep things in perspective in a community that is a diverse population.*

*We ask that we might always be mindful of the safety and welfare of the people of Kojonup. Grant to all who serve on public committees the ability to listen and work together with mutual respect for one another. Bless us with the personal joy of knowing that we have done our best.*

2 **ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

The President thanked the Deputy President for presiding over the 12 April 2022 Ordinary Meeting of Council during the President's absence.

3 **ATTENDANCE**

**COUNCILLORS**

Cr N Radford	Shire President
Cr Wieringa	
Cr Gale	
Cr Singh	
Cr R Bilney	
Cr A Egerton-Warburton	

**STAFF**

Grant Thompson	Chief Executive Officer
Anthony Middleton	Manager Corporate and Community Services
Robert Jehu	Manager Regulatory Services
Judy Stewart	Senior Administration Officer

3.1 **APOLOGIES**  
Nil

3.2 **APPROVED LEAVE OF ABSENCE**  
Cr P Webb Deputy Shire President  
Cr F Webb

4 **DECLARATION OF INTEREST**

Cr Wieringa declared a proximity interest in Item 9.4.1 – Proposed Two (2) Motel Units – Lot 250 (No. 72) Albany Highway, Kojonup.

5 **PUBLIC QUESTION TIME**

Nil

5.1 **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**  
Not applicable

5.2 **PUBLIC QUESTION TIME**  
Nil

6 **CONFIRMATION OF MINUTES**

6.1 **COUNCIL MEETING 12 APRIL 2022**  
Minutes of the Council Meeting held on 12 April 2022 are at [Attachment 6.1.1](#).

OFFICER RECOMMENDATION/COUNCIL DECISION

33/22 Moved Cr Gale

Seconded Cr Singh

That the Minutes of the Council Meeting held on 12 April 2022 be confirmed as a true record.

CARRIED 6/0

7 PRESENTATIONS

7.1 PETITIONS

Nil

7.2 PRESENTATIONS

Nil

7.3 DEPUTATIONS

Nil

7.4 DELEGATES' REPORTS

Nil

8 METHOD OF DEALING WITH AGENDA BUSINESS

There were nil changes to the order of the meeting.

9 REPORTS

9.1 KEY PILLAR 1 – ‘PLACE’ REPORTS

9.1.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) MEETING MINUTES – 9 MAY 2022

AUTHOR	Robert Jehu – Manager Regulatory Services
DATE	Tuesday, 10 May 2022
FILE NO	ES.MET.1
ATTACHMENT(S)	9.1.1.1 – Unconfirmed LEMC Meeting Minutes - 9 May 2022

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 2 - Connected	2.3 – Be providing for a safe and secure environment by working with State and Federal authorities.	2.3.1 - Maximize community safety through safe urban design and advocate for enhanced emergency service provisions.

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to consider the unconfirmed minutes of a LEMC meeting held 9 May 2022.

**BACKGROUND**

The LEMC is established under Section 38 of the *Emergency Management Act 2005* and plays an important role in the Council’s decision-making process. Minutes of these meetings are presented to Council to be received.

**COMMENT**

All matters contained within the minutes are considered in this agenda item.

**CONSULTATION**

Nil

**STATUTORY REQUIREMENTS**

Section 38 of the *Emergency Management Act 2005*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

## RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
2 - Business Disruption	Lack of (or inadequate) emergency response/business continuity plans. Lack of training for specific individuals or availability of appropriate emergency response.	Regular LEMC, DEMC Meetings	Nil
Risk Rating - Adequate			
IMPLICATIONS			
Local governments are legislated to establish and maintain a LEMC. The risk of not having a LEMC would include lack of guidance for Staff, Councillors and relevant Community members who need to be able to work together under pressure in times of extreme stress should an emergency situation arise.			

## ASSET MANAGEMENT IMPLICATIONS

Nil

## SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

## VOTING REQUIREMENTS

Simple Majority

## OFFICER RECOMMENDATION/COUNCIL DECISION

34/22 Moved Cr Gale

Seconded Cr Bilney

That the unconfirmed minutes of a Local Emergency Management Committee Meeting held 9 May 2022 be received.

CARRIED 6/0

9.1.2 BUSH FIRE ADVISORY COMMITTEE (BFAC) MEETING MINUTES – 11 MAY 2022

AUTHOR	Robert Jehu – Manager Regulatory Services
DATE	Thursday, 12 May 2022
FILE NO	ES.CIR.2
ATTACHMENT(S)	9.1.2.1 – Unconfirmed BFAC Meeting Minutes - 11 May 2022

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 2 - Connected	2.3 – Be providing for a safe and secure environment by working with State and Federal authorities.	2.3.1 - Maximise community safety through safe urban design and advocate for enhanced emergency service provisions.

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to receive the unconfirmed minutes of a BFAC meeting held 11 May 2022.

**BACKGROUND**

The BFAC is established under Section 67 of the *Bush Fires Act 1954* and plays an important role in the Council’s decision-making process.

**COMMENT**

Unconfirmed minutes of a BFAC meeting held 11 May 2022 are attached. A recommendation to appoint bush fire control officers is addressed separately.

**CONSULTATION**

Nil

**STATUTORY REQUIREMENTS**

Section 67 of the *Bush Fires Act 1954*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

## RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
2 - Business Disruption	Lack of (or inadequate) emergency response/business continuity plans. Lack of training for specific individuals or availability of appropriate emergency response.	Regular LEMC, DEMC Meetings	Nil
Risk Rating - Adequate			
IMPLICATIONS			
Under legislation, the Shire of Kojonup (Shire) may establish and maintain a BFAC. The risk of not having a BFAC is that Staff and Councillors do not necessarily possess the relevant knowledge or experience regarding bush fires. The Shire is reliant on the BFAC to be able to provide this knowledge and to support volunteer bush fire efforts, training and resourcing requirements in protecting community safety and assets.			

## ASSET MANAGEMENT IMPLICATIONS

Nil

## SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

## VOTING REQUIREMENTS

Simple Majority

## OFFICER RECOMMENDATION/COUNCIL DECISION

35/22 Moved Cr Egerton-Warburton                      Seconded Cr Bilney  
That the unconfirmed minutes of a Bush Fire Advisory Committee meeting held 11 May 2022 be received.

CARRIED 6/0



### 9.1.3 APPOINTMENT OF BUSH FIRE CONTROL OFFICERS

<b>AUTHOR</b>	Robert Jehu – Manager Regulatory Services
<b>DATE</b>	Thursday, 12 May 2022
<b>FILE NO</b>	ES.CIR.2
<b>ATTACHMENT(S)</b>	As per attachment 9.1.2 - Unconfirmed BFAC Minutes - 11 May 2022

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP 2 - Connected	2.3 – Be providing for a safe and secure environment by working with State and Federal authorities.	2.3.1 - Maximise community safety through safe urban design and advocate for enhanced emergency service provisions.

### DECLARATION OF INTEREST

Nil

### SUMMARY

The purpose of this report is to consider the recommendations of the Bush Fire Advisory Committee (BFAC) for the appointment of Bush Fire Control Officers for the 2022/2023 bush fire season.

### BACKGROUND

The Annual General Meeting of the Kojonup Bushfire Association (Association) was held via email correspondence on 4 April 2022. The BFAC endorsed the Association’s recommendations at its meeting held 11 May 2022.

### COMMENT

The BFAC made the following recommendations for 2022/2023, at its 11 May 2022 meeting:

- Tony Fisher be recommended for the Chief Bush Fire Control Officer (CBFCO);
- Roger House be recommended for the Deputy Chief Bush Fire Control Officer (DCBFCO);
- Ross Fryer-Smith and Nick Trethowan be recommended for the Senior Bush Fire Control Officers (SBFCO);
- The CBFCO and the DCBFCO are recommended for the Fire Weather Officer and Deputy Fire Weather Officer respectively;
- The CBFCO and the DCBFCO are recommended to be appointed as authorised officers to issue permits to burn for the collection of clover seed in the Shire; and
- The CBFCO, DCBFCO and the two Senior SBFCO’s be authorised to advise the Chief Executive Officer of the Shire of Kojonup on the imposition of Harvest and Vehicle Movement Bans.

The Kojonup Town Brigade position remains vacant; an appointment to this position will be brought to Council for consideration when a recommendation is received from the BFAC.

## CONSULTATION

Nil

## STATUTORY REQUIREMENTS

Section 38 of the *Bush Fires Act 1954*

Section 67 of the *Bush Fires Act 1954*

## POLICY IMPLICATIONS

Policy 6.1 Fire Management Plan

Policy 2.3.5 Risk Management

## FINANCIAL IMPLICATIONS

Nil

## RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
2 - Business Continuity	Failure to adequately prepare and respond to events that cause disruption to the local community and/or normal business activities.	Community fire and emergency education  Maintain regular communications with agencies and support services	Nil
3 - Compliance	Failure to correctly communicate laws and regulations as a result of an inadequate compliance framework. This includes new or proposed regulatory and legislative changes, in addition to the failure to maintain updated internal & public domain legal documentation.	External Audits (compliance)	Nil

	Ineffective policies & processes		
Risk Rating - Adequate			
IMPLICATIONS			
Appointment of these positions is legislated by the <i>Bushfires Act 1954 (Act)</i> ; compliance with this <i>Act</i> demonstrates processes are followed at management and governance levels that will assist in minimising the risks of bush fire upon the greater community.			

#### ASSET MANAGEMENT IMPLICATIONS

Nil

#### SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

#### VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

36/22 Moved Cr Gale

Seconded Cr Egerton-Warburton

A) That the Council appoints to the following positions for the 2022/2023 year:

1. Tony Fisher - Chief Bush Fire Control Officer and Bush Fire Weather Officer;
2. Roger House - Deputy Chief Bush Fire Control Officer and Deputy Fire Weather Officer;
3. Ross Fryer-Smith and Nick Trethowan - Senior Bush Fire Control Officers;
4. The Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer be appointed as authorised officers to issue permits to burn for the collection of clover seed in the Shire;
5. The Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer and the two Senior Bush Fire Control Officers be authorised to recommend to the Chief Executive Officer on the imposition of Harvest and Vehicle Movement Bans.

The nominees listed below be appointed to their respective Bush Fire Brigades subject to each person having successfully completed the Fire Control Officer's (FCO) course as conducted by the Department of Fire and Emergency Services:

Bevan Bignell	Captain/FCO, Boilup Brigade
Glen Woodhams	Captain/FCO, Boscabel Brigade
Paul Norrish	Captain/FCO, Changerup Brigade
Daniel Ladyman	Captain/FCO, Cherry Tree Pool Brigade
Will Owen	Captain/FCO, Jingalup Brigade
Gavin Norrish	Captain/FCO, Kojonup Brigade
Sam Jackson	Captain/FCO, Lumeah Brigade
Digby Stretch	Captain/FCO, Mobrup Brigade
Ben Blewett	Captain/FCO, Muradup Brigade
Daniel Simpson	Captain/FCO, Orchid Valley Brigade
Clayton Simcock	Captain/FCO, Qualeup Brigade
Stuart Tohl	Captain/FCO, Ryan's Brook Brigade
Bob Francis	FCO, Muradup Town

- B) That the Council expresses its sincere appreciation to the Kojonup Bushfire Association and Bush Fire Advisory Committee members and Zulus for continuing to provide essential bush fire services to our community.

CARRIED 6/0

9.1.4 BUILDING BETTER REGIONS FUND (BBRF) ROUND 6 GRANT APPLICATION – THE KODJA PLACE AND KOJONUP (APEX) PARK – FORMAL WITHDRAWAL OF APPLICATION

<b>AUTHOR</b>	Grant Thompson – Chief Executive Officer
<b>DATE</b>	Thursday, 11 May 2022
<b>FILE NO</b>	FM.FNR.2
<b>ATTACHMENT(S)</b>	<p>9.1.4.1 – Business Case</p> <p>9.1.4.2 – Project Management Plan</p> <p>9.1.4.3 – Cost Benefit Analysis</p> <p>9.1.4.4 – Operational Management Overview</p> <p>9.1.4.5 – Plans</p> <p>9.1.4.6 – Project Costings</p>

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP – 1 Place	1.1 – Have maximised our ‘One Community’ program through specific events, celebration of built form and enhancement of our environment	<p>1.1.3 - Grow The Kodja Place to become an iconic WA attraction.</p> <p>1.1.15 - Redevelop entire car park &amp; landscaped area to improve functionality &amp; traffic &amp; pedestrian flow</p> <p>1.1.16 - Introduce low-impact, natural barriers &amp; building screens to define the precinct &amp; guide visitors to a single entrance.</p>

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

At the 15 March 2022 Ordinary Meeting of Council a recommendation to ratify the BBRF Round 6 application previously submitted by the Shire of Kojonup (Shire) was rejected.

The purpose of this report is to formalise the withdrawal of the Shire’s BBRF Round 6 application.

**BACKGROUND**

In March 2021, the Shire submitted a BBRF Round 5 grant application encompassing the following:

- Sporting facility upgrades (building extension and deck, fencing, bowling/netball car park);
- The Kodja Place – implementation of recommendation 4, 5 & 6 of the Master Plan; and
- Extension of toilets, community kitchen and other infrastructure upgrades at Kojonup (Apex) Park.

Round 5 of the BBRF was grossly over-subscribed, with applications from Western Australia alone exceeding the total funding allocation pool Australia wide. In October 2021, the Shire was notified that its Round 5 application was unsuccessful.

Round 6 of the BBRF was announced in December 2021, with applications closing on 10 February 2022. This was a relatively short timeframe for a grant application of this magnitude especially considering time lost over the festive season and, therefore, appeared to be aimed at unsuccessful Round 5 applications. In conjunction with the Senior Management Team, and following discussions at the Council briefing session on 1 February 2022, staff submitted a Round 6 application seeking funding for the following:

- The Kodja Place – implementation of recommendation 4, 5 & 6 of the Master Plan; and
- Extension of toilets, community kitchen and other infrastructure upgrades at Kojonup (Apex) Park.

This grant application totalled \$4.3m and 50% (\$2.15m) was requested from the BBRF. The Federal Government has indicated that outcomes of the BBRF Round 6 applications will be advised 'in mid 2022'.

#### COMMENT

The attached documents outline the full BBRF Round 6 application. These documents are:

1. Business Case
2. Project Management Plan
3. Cost Benefit Analysis
4. Operational Management Overview
5. Plans
6. Project Quantity Surveyor Costings

At its 15 March 2022 Ordinary Meeting the Council did not endorse the following Officer Recommendation:

*"OFFICER RECOMMENDATION/COUNCIL DECISION*

*13/22 Moved Cr Gale*

*Seconded Cr Wieringa*

*That the Round 6 Building Better Regions Fund grant application submitted for the upgrade of facilities at both Kojonup (Apex) Park and The Kodja Place, as attached, be endorsed.*

*LOST 3/5"*

#### CONSULTATION

Council Briefing Session 1 February 2022

Council Briefing Session 15 February 2022

Ordinary Council Meeting 15 March 2022

Manager Corporate and Community Services

Senior Administration Officer

#### STATUTORY REQUIREMENTS

Nil

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Nil

## RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
8 - Errors, Omissions and Delays	Errors, omissions or delays in operational activities as a result of unintentional errors or failure to follow due process including incomplete, inadequate or inaccuracies in advisory activities to customers or internal staff.	Segregation of duties (Financial control)	Nil
Risk Rating - Adequate			
IMPLICATIONS			
The aim of this report is to formalise the withdrawal of the BBRF Round 6 application as per the rejection of the recommendation at Council's 15 March 2022 Ordinary Meeting to submit the application. This demonstrates clear direction from the Council and minimises the risk of any doubt as to Council's intention regarding this application.			

## ASSET MANAGEMENT IMPLICATIONS

The grant application, if successful, would have addressed major works on significant existing Shire assets.

## SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

## VOTING REQUIREMENTS

Simple Majority

## OFFICER RECOMMENDATION/COUNCIL DECISION

37/22 Moved Cr Egerton-Warburton      Seconded Cr Bilney

1. That the Shire of Kojonup's (Shire) Building Better Regions Fund Round 6 grant application, submitted for the upgrade of facilities at both Kojonup (Apex) Park and The Kodja Place, as attached, be formally withdrawn prior to a decision being made on allocation of funds.
2. That the Shire write to the relevant funding party and advise the above post haste.

CARRIED 5/1



9.2 KEY PILLAR 2 – ‘CONNECTED’ REPORTS

Nil

9.3 KEY PILLAR 3 – ‘PERFORMANCE’ REPORTS

9.3.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (MARCH 2022)

<b>AUTHOR</b>	Anthony Middleton – Manager Corporate and Community Services
<b>DATE</b>	Wednesday, 20 April 2022
<b>FILE NO</b>	FM.FNR.2
<b>ATTACHMENT(S)</b>	9.3.1.1 – March 2022 Monthly Financial Statements

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP – 3 Performance	3.4 – Be organised and transparent with our financial management.	3.4.1 - Increase regularity of readable financial reporting to the community. 3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money.

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to note the Monthly Financial Statements for the period ending 31 March 2022.

**BACKGROUND**

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

**COMMENT**

The attached Statement of Financial Activity for the period 1 July 2021 to 31 March 2022 represents nine (9) months, or 75% of the year.

The following items are worthy of noting:

- Closing surplus position of \$767,764;
- Operating results:
  - 67% of budgeted operating revenue has been received; and
  - 80% of budgeted operating expenditure spent;

- Capital expenditure achieved 40% of budgeted projects;
- Cash holdings of \$4.26m of which \$3.52m is held in cash backed reserve accounts and \$237,239 is a grant held for other parties;
- Rates debtors outstanding equate to 9% of total rates raised for 2021/2022; and
- Page 9 & 10 of the statements detail major variations from year to date (amended) budgets in accordance with Council Policy 2.1.6 – concern has been raised regarding the ‘Animal Control’, ‘Fire Prevention’ and ‘Road Maintenance’ sub-programs over expenditure when compared to year-to-date (YTD) budgets.

#### CONSULTATION

Nil

#### STATUTORY REQUIREMENTS

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

#### POLICY IMPLICATIONS

Council Policy 2.1.6 defines the content of the financial reports.

#### FINANCIAL IMPLICATIONS

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

#### RISK MANAGEMENT IMPLICATIONS

Nil

#### ASSET MANAGEMENT IMPLICATIONS

Nil

#### SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

#### VOTING REQUIREMENTS

Simple Majority

#### OFFICER RECOMMENDATION/COUNCIL DECISION

38/22 Moved Cr Gale

Seconded Cr Singh

That the monthly financial statements for the period ending 31 March 2022, as attached, be noted.

CARRIED 6/0

9.3.2 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (APRIL 2022)

AUTHOR	Anthony Middleton – Manager Corporate and Community Services
DATE	Friday, 6 May 2022
FILE NO	FM.FNR.2
ATTACHMENT(S)	9.3.2.1 – April 2022 Monthly Financial Statements

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP – 3 Performance	3.4 – Be organised and transparent with our financial management.	3.4.1 - Increase regularity of readable financial reporting to the community. 3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money.

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to note the Monthly Financial Statements for the period ending 30 April 2022.

**BACKGROUND**

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

**COMMENT**

The attached Statement of Financial Activity for the period 1 July 2021 to 30 April 2022 represents ten (10) months, or 83% of the year.

The following items are worthy of noting:

- Closing surplus position of \$1.22m;
- Operating results:
  - 89% of budgeted operating revenue has been received; and
  - 86% of budgeted operating expenditure spent;
- Capital expenditure achieved 55% of budgeted projects;
- Cash holdings of \$5.59m of which \$3.97m is held in cash backed reserve accounts and \$237,239 is a grant held for other parties;
- Rates debtors outstanding equate to 8% of total rates raised for 2021/2022; and

- Page 9 & 10 of the statements detail major variations from year to date (amended) budgets in accordance with Council Policy 2.1.6 – concern has been raised regarding the ‘Road Maintenance’ sub-program over expenditure when compared to year-to-date (YTD) budgets.

#### CONSULTATION

Nil

#### STATUTORY REQUIREMENTS

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

#### POLICY IMPLICATIONS

Council Policy 2.1.6 defines the content of the financial reports.

#### FINANCIAL IMPLICATIONS

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

#### RISK MANAGEMENT IMPLICATIONS

Nil

#### ASSET MANAGEMENT IMPLICATIONS

Nil

#### SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

#### VOTING REQUIREMENTS

Simple Majority

#### OFFICER RECOMMENDATION/COUNCIL DECISION

39/22 Moved Cr Singh

Seconded Cr Bilney

That the monthly financial statements for the period ending 30 April 2022, as attached, be noted.

CARRIED 6/0

9.3.3 MONTHLY PAYMENTS LISTING – APRIL 2022

<b>AUTHOR</b>	Vivicka Kahn - Finance and Payroll Officer
<b>DATE</b>	Sunday, 8 May 2022
<b>FILE NO</b>	FM.AUT.1
<b>ATTACHMENT</b>	<a href="#">9.3.3.1 – Monthly Payments Listing 1 to 30 April 2022</a>

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
Key Pillar	Community Outcomes	Corporate Actions
KP3 - Performance	3.4 – Be organised and transparent with our financial management.	3.4.1 - Increase regularity of readable financial reporting to the community. 3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money.

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To receive the list of payments covering the month of April 2022.

**BACKGROUND**

Not applicable

**COMMENT**

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

Any comments or queries regarding the list of payments is to be directed to the Manager of Corporate and Community Services prior to the meeting.

**CONSULTATION**

Nil

**STATUTORY REQUIREMENTS**

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

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

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

#### POLICY IMPLICATIONS

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

#### FINANCIAL IMPLICATIONS

All payments are made in line with Council Policy 2.1.2.

#### STRATEGIC/CORPORATE IMPLICATIONS

Nil

#### RISK MANAGEMENT IMPLICATIONS

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

#### ASSET MANAGEMENT PLAN IMPLICATIONS

Nil

#### SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

#### VOTING REQUIREMENTS

Simple Majority

#### OFFICER RECOMMENDATION/COUNCIL DECISION

40/22 Moved Cr Singh

Seconded Cr Wieringa

That, in accordance with Regulation 13 (1) of the *Local Government (Financial Management) Regulations 1996*, the list of payments as attached made under delegated authority:

FROM – 1 April 2022		TO – 30 April 2022
Municipal Cheques	14332 - 14334	\$828.12
EFTs	29872 - 30024	\$835,253.20
Direct Debits		\$425,049.63
Total		\$1,261,130.95

be received.

CARRIED 6/0



9.3.4 SPRINGHAVEN WORKING GROUP (SWG) INAUGURAL MEETING MINUTES – 22 MARCH 2022

<b>AUTHOR</b>	Judy Stewart – Senior Administration Officer
<b>DATE</b>	Monday, 9 May 2022
<b>FILE NO</b>	GO.CNM.9
<b>ATTACHMENT</b>	9.3.4.1 – Unconfirmed SWG Inaugural Meeting Minutes – 22 March 2022

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 3 - Performance	<p>3.1 – Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group.</p> <p>3.4 – Be organised and transparent with our financial management.</p>	<p>3.1.3 – Encourage interaction and input to the Shire of Kojonup, particularly through contemporary working party teams.</p> <p>3.1.5 – Implement strategies to improve Councillors role as community leaders and asset custodians.</p> <p>3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money.</p>

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to receive the minutes of a SWG meeting held 22 March 2022 (attachment 9.3.3.1).

**BACKGROUND**

The SWG was formed by Council at its 15 February 2022 Ordinary Meeting. The SWG’s role is to report to Council and provide appropriate recommendations and advice on matters relevant to its Terms of Reference in order to facilitate decision-making by Council in relation to the discharge of Council’s responsibilities. Any recommendations from SWG meetings will be presented to Council as separate agenda items for consideration.

**COMMENT**

The SWG held its inaugural meeting on 22 March 2022. One recommendation to Council, from this meeting, is presented separately within this agenda for Council’s endorsement.

**CONSULTATION**

Nil

**STATUTORY REQUIREMENTS**

Nil



## POLICY IMPLICATIONS

Policy 5.2 – Springhaven Policy Manual – Nil implications

## FINANCIAL IMPLICATIONS

Nil

## RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
1 - Asset Sustainability	Insufficient budget to maintain or replace assets	Routine maintenance schedule  Asset replacement schedule	Nil
3 - Compliance	Failure to correctly identify, interpret, assess, respond and communicate laws and regulations as a result of an inadequate compliance framework. This includes new or proposed regulatory and legislative changes, in addition to the failure to maintain updated internal & public domain legal documentation.	Financial Management Review	Nil
Risk rating - Low			
IMPLICATIONS			
The SWG assists in identifying and mitigating overall financial risk to the Shire of Kojonup and provision of services to the Community.			

## ASSET MANAGEMENT IMPLICATIONS

Nil

## SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

## VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

41/22 Moved Cr Bilney

Seconded Cr Egerton-Warburton

That the minutes of a Springhaven Working Group meeting held 22 March 2022 be received.

CARRIED 6/0

9.3.5 SPRINGHAVEN WORKING GROUP (SWG) – APPOINTMENT OF COMMUNITY MEMBERS

<b>AUTHOR</b>	Judy Stewart – Senior Administration Officer
<b>DATE</b>	Monday, 9 May 2022
<b>FILE NO</b>	GO.CNM.9
<b>ATTACHMENT(S)</b>	9.3.5.1 – SWG – Terms of Reference 9.3.5.2 - Correspondence – Jill Mathwin 9.3.5.3 – Correspondence – Kevin Broom

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 3 - Performance	3.1 – Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group.  3.4 – Be organised and transparent with our financial management.	3.1.3 – Encourage interaction and input to the Shire of Kojonup, particularly through contemporary working party teams. 3.1.5 – Implement strategies to improve Councillors role as community leaders and asset custodians. 3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money.

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is for Council to consider the endorsement of Jill Mathwin and Kevin Broom as community members of the SWG.

**BACKGROUND**

The SWG was formed by Council at its 15 February 2022 Ordinary Meeting. Clauses 2.1 (b) and (c) of the SWG Terms of Reference require the appointment of any external person/s to be made by Council for a tenure determined by Council.

**COMMENT**

The SWG chairman, Cr Bilney, invited Jill Mathwin and Kevin Broom to be the inaugural community members based on their experience with Springhaven Lodge and their financial knowledge and experience. Both Jill Mathwin and Kevin Broom have indicated that they are willing to accept this role. For Council decision.

**CONSULTATION**

Nil

**STATUTORY REQUIREMENTS**

Nil

## POLICY IMPLICATIONS

Policy 5.2 – Springhaven Policy Manual – Nil implications

## FINANCIAL IMPLICATIONS

Nil – in accordance with the SWG Terms of Reference, there will be no remuneration paid to members of the SWG including any external person/s.

## RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3. Compliance	Failure to correctly identify, interpret, assess, respond and communicate laws and regulations as a result of an inadequate compliance framework. This includes new or proposed regulatory and legislative changes, in addition to the failure to maintain updated internal & public domain legal documentation.	Financial Management Review	Nil
Risk rating - Low			
IMPLICATIONS			
The SWG assists in identifying and mitigating overall financial risk to the Shire OF Kojonup and provision of services to the Community; its Terms of Reference allow for external person/s to be members. Appointment of community members with specific Springhaven Lodge and financial knowledge and experience is anticipated to assist in the lessening of risk to the ongoing provision of aged care services that Springhaven Lodge provides to the community.			

**ASSET MANAGEMENT IMPLICATIONS**

Nil

**SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

42/22 Moved Cr Gale

Seconded Cr Singh

That Jill Mathwin and Kevin Broom be appointed as community members of the Springhaven Working Group until the 2023 Local Government Election.

CARRIED 6/0

*Cr Wieringa left the meeting at 3.10pm.*

#### 9.4 KEY PILLAR 4 – ‘PROSPERITY’ REPORT

##### 9.4.1 PROPOSED TWO (2) MOTEL UNITS – LOT 250 (NO. 72) ALBANY HIGHWAY, KOJONUP

<b>AUTHOR</b>	Steve Thompson - Consultant Planner, Edge Planning and Property
<b>APPLICANT</b>	Paul and Felicity Webb
<b>DATE</b>	Thursday, 12 May 2022
<b>FILE NO</b>	A6411
<b>ATTACHMENT(S)</b>	9.4.1.1 - Letter of Application and Plans – P & F Webb – 72 Albany Highway 9.4.1.2 – Landgate map – 72 Albany Highway 9.4.1.3 - Extract from <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP 4 - Prosperity	4.1 – Be providing business assistance for growth in small local industry	4.1.1 – Amend Town Planning Scheme to encourage economic development and private investment

#### DECLARATION OF INTEREST

Edge Planning & Property receive payment for planning advice to the Shire of Kojonup and declare a Financial Interest (section 5.70 of the *Local Government Act 1995*).

#### SUMMARY

To consider an application for Development Approval to expand the Cornwall House Accommodation. The proposal is to build two motel units in the south west corner of the property facing Spring Street, with off street parking for up to three cars.

#### BACKGROUND

The Council has previously considered matters relating to the property on various occasions.

The applicant seeks approval for two motel units in the south west section of the property. Proposed vehicle access to the motel units is from Spring Street. Details provided by the applicant are provided in attachments 9.4.1.1 and 9.4.1.2.

The property is 3032m<sup>2</sup> in area and contains the Cornwall House Accommodation. The site is appropriately serviced including that it is connected to the reticulated sewerage system.

#### COMMENT

The Development Application is generally consistent with the Shire of Kojonup Town Planning Scheme No. 3 (TPS3). The only variation from the TPS3 standards is the front setback. Table 2 – Development Table sets out a 9 metre front setback for motels, while the Development Application proposes 4.5 metres. TPS3 provides discretion to vary development standards if the Council considers the application is consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality. It is

suggested a 4.5 metre setback is reasonable in the Commercial zone noting many buildings have a lesser front setback.

It is accordingly recommended that Council conditionally approve the Development Application. The proposal supports a greater range of accommodation and supports increased economic activity. Development conditions can address relevant matters.

#### Zoning and Land Use/Development

The property is zoned 'Commercial' and is located within the 'Special Design Area' under the Shire of Kojonup Town Planning Scheme No. 3 (TPS3).

TPS3 objectives for the Commercial zone include:

- To maintain a compact and accessible centre.
- To centralise commercial and service functions.
- To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.

The proposal satisfies the definition of the 'motel' land use which is an 'AA' discretionary land use within the Commercial zone. There is no statutory requirement to advertise the Development Application.

#### Bushfire Planning

The motel units are proposed to be located outside of the bushfire prone area.

#### Town Planning Scheme Policy Implications

Nil

#### Matters to be considered

Attachment 9.4.1.3 is an extract from the *Planning and Development (Local Planning Schemes) Regulations 2015* which sets out matters to be considered by local government in assessing a Development Application. The following reviews the application against key matters from the Regulations.

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



Matter to be Considered	Response
seriously considering adopting or approving;	
(c) any approved State planning policy;	SPP3.7 Planning in Bushfire Prone Areas does not apply to the proposed motel units.  SPP 5.4 Road and Rail Noise - the property is within the 'trigger distance' of freight traffic noise from Albany Highway.
(g) any local planning policy for the Scheme area;	Nil
(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	The motel units are consistent other approved motel units on the property in terms of size, height, bulk, and scale.
(n) the amenity of the locality including the following- (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;	Subject to addressing noise impacts, the proposal is not expected to have a negative impact on the amenity of the locality.
(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;	No clearing of native vegetation is required. The area between the motel units and Spring Street is proposed to be landscaped.
(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;	The site is not known to be affected by any natural hazard including flood, subsidence, erosion etc. The motel units are not within the bushfire prone mapping area.
(s) the adequacy of - (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;	The proposed access/egress is appropriate.
(w) the history of the site where the development is to be located;	The motel units will not impact heritage values.
(y) any submissions received on the application;	There has been no consultation on this development application.

Matter to be Considered	Response
<p><i>c.78E. of the Planning and Development (Local Planning Schemes) Amendment Regulations 2015</i></p> <p>In considering an application for development approval for development to which this Part applies, the local government is to have regard to the bushfire resistant construction requirements of the Building Code.</p>	<p>See (q) above.</p>

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

**1 Not approve the proposal**

The Council can choose to not approve the application and advise the proponent giving reasons. If this option were chosen, the motel units would not be able to be constructed.

**2 Approve the proposal**

The Council can choose to approve the application, in part or whole and with or without conditions. If this option were chosen, the motel units can proceed.

**3 Defer the proposal**

The Council can choose to defer the matter and seek additional information from the applicant or undertake consultation with the public, if deemed necessary, before proceeding to make a decision.

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

## CONSULTATION

There has been nil consultation on the Development Application.

## STATUTORY REQUIREMENTS

*Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015* - the processing of the Development Application is required to comply with the requirements of Town Planning Scheme No. 3 which is an operative local planning scheme under the provisions of the *Act/Regulations*.

## POLICY IMPLICATIONS

See comments in Town Planning Scheme Policy Implications above.

## FINANCIAL IMPLICATIONS

The applicant is required to pay the Development Application fee of \$256 as set out in the adopted 2021/22 Schedule of Fees and Charges.

#### RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 - Compliance	Impulsive decision making  Ineffective monitoring of changes to legislation	Professional accreditation / certification maintained	Nil
6 - Engagement	Inadequate documentation or procedures	Public notices / local papers / website communication	Nil
7 - Environment	Inadequate local laws / planning schemes	Environmental management compliance	Nil
8 - Errors, Omissions and Delays	Complex legislation  Incorrect information	Development Approval performance report	Nil
<i>Risk rating: Adequate</i>			
IMPLICATIONS			
Applicants need to ensure that development applications accord with the intent of the Shire of Kojonup Planning Scheme. Council in assessing applications needs to adopt a similar approach that reflects present and future requirements without compromising amenity or establishing precedents.			

#### ASSET MANAGEMENT IMPLICATIONS

Nil

#### SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

#### VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

43/22 Moved Cr Singh

Seconded Cr Bilney

That Council grant Development Approval for two motel units at Lot 250 on Deposited Plan 417655 (No. 72) Albany Highway, Kojonup subject to the following conditions:

- 1) The development to be carried out and fully implemented in accordance with the attached plans unless a variation has been approved by the local government in writing.
- 2) The crossover, vehicle access way and car parking spaces are to be designed, constructed (sealed such as concrete and bitumen seal) and drained to the satisfaction of the local government prior to occupation of the development.
- 3) The motel units to be connected to the Water Corporation reticulated sewer and water supply networks prior to occupation.
- 4) Stormwater is appropriately managed and disposed of from the subject land, including from roofs and sealed/paved areas to a Shire stormwater legal point of discharge, prior to occupation of the buildings, to the satisfaction of the local government. Details are to be provided with the Building Permit application. The stormwater facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the local government.
- 5) The area between the motel units and Spring Street to be landscaped in accordance with a Landscaping Plan to be submitted for approval by the local government. The landscaping is to be undertaken prior to occupation. Following this, the landscaping is appropriately maintained to the satisfaction of the local government.
- 6) The operator is to ensure that noise levels from the motel units are considerate of adjoining/nearby properties and are to be especially low in volume between 9.00pm and 8.00am.

*Advice Notes:*

- A) *This is not a Building Permit. A Building Permit must be obtained before any building works commence.*
- B) *No parking of patron's vehicles is permitted on the road verge or adjoining land.*
- C) *The property is within the 'trigger distance' of freight traffic noise from Albany Highway as set out in State Planning Policy 5.4 Road and Rail Noise. The applicant is encouraged to review 'quiet house' principles to reduce noise impacts on guests.*
- D) *A Demolition Permit may be required to be obtained prior to any sheds or structures being removed to facilitate the development.*
- E) *If the applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.*

CARRIED 5/0

Cr Wieringa re-entered the meeting at 3.14pm.

9.5 KEY PILLAR 5 – ‘DIGITAL’ REPORTS

Nil

10 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Ordinary Meeting 16 November 2021

Item 10.2 – Pavement Re-Surface Request 122 and 124 Albany Highway

*‘Moved Cr Gale*

*Seconded Cr P Webb*

*That Council does/does not approve a request from Parminder Singh and Kellie Jane Bowey to re-surface the pavers between the shop fronts and kerbing at 122 and 124 Albany Highway, Kojonup using the products the proponents have proposed, as a one off trial, dependent on the following conditions if approved:*

*a) the contractor engaged to undertake the pavement re-surfacing is suitably qualified, experienced and insured, and completes the Shire of Kojonup’s (Shire) Work Health and Safety documentation requirements for contractors;*

*b) the contractor must obtain any permission required from Main Roads WA if encroaching on the Albany Highway road surface (signage etc) and provide the Shire with written proof of this permission;*

*c) the contractor must obtain permission from the neighbouring landowners if there is to be any encroachment on a neighbour’s property, as a result of any part of the re-surfacing process, and provide the Shire with written proof of this permission;*

*d) that the proponent is advised that this action is at the proponents’ total cost but the Shire may change the streetscape at any stage with no compensation to the proponents for their expense; and*

*e) that the proponent is advised that if the product does not meet standards or specifications (at the Shire’s discretion), the Shire may require the proponents to pay any cost of rectification.*

LAPSED

*126/21 Moved Cr Gale*

*Seconded Cr Wieringa*

*That Council lay this matter on the table.*

CARRIED 7/0’

This item is to be researched further and re-presented to Council.

14 MEETING CLOSED TO THE PUBLIC

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.1.1 LEASE OF 143 ALBANY HIGHWAY, KOJONUP

<b>AUTHOR</b>	Grant Thompson – Chief Executive Officer
<b>DATE</b>	Wednesday, 11 May 2022
<b>FILE NO</b>	CP.LEA.1

**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.

**PROCEDURAL MOTION**

44/22 Moved Cr Gale

Seconded Cr Singh

That the meeting proceed behind closed doors in accordance with Section 5.23(2) (e) of the *Local Government Act 1995* at 3.15pm.

CARRIED 6/0

*Cr Singh declared a financial interest and left the meeting at 3.15pm.*



*The Manager Corporate and Community Services and the Manager Regulatory Services left the meeting at 3.15pm.*

**PROCEDURAL MOTION**

46/22 Moved Cr Gale                      Seconded Cr Egerton-Warburton  
That the meeting be reopened to the public at 3.19pm.

CARRIED 5/0

*Cr Singh returned to the meeting at 3.20pm.*

**14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC**

**14.2.1 LEASE OF 143 ALBANY HIGHWAY, KOJONUP**

**OFFICER RECOMMENDATION/COUNCIL DECISION**

45/22 Moved Cr Gale                      Seconded Cr Egerton-Warburton  
That Council:

1. proceed, in accordance with s. 3.58 of the *Local Government Act 1995*, to advertise for Expressions of Interest to dispose of property (being the Black Cockatoo Café) by way of a lease commencing 18 September 2022 or thereafter;
2. approve the Expression of Interest with conditions, as attached; and
3. believes that, in accordance with s. 3.58 (4) (c) (ii), a valuation carried out more than six (6) months before the proposed disposition of the Black Cockatoo Cafe is a true indication of the value at the time of the proposed disposition.

CARRIED 5/0

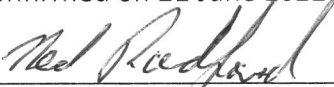
**15 CLOSURE**

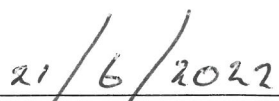
There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 3.25pm.

16 ATTACHMENTS (SEPARATE)

Item 6.1	6.1.1	Minutes of the Council Meeting held on 12 April 2022
Item 9.1.1	9.1.1.1	Unconfirmed LEMC Meeting Minutes - 9 May 2022
Item 9.1.2	9.1.2.1	Unconfirmed BFAC Meeting Minutes – 11 May 2022
Item 9.1.4	9.1.4.1	Business Case
	9.1.4.2	Project Management Plan
	9.1.4.3	Cost Benefit Analysis
	9.1.4.4	Operational Management Overview
	9.1.4.5	Plans
	9.1.4.6	Project Costings
Item 9.3.1	9.3.1.1	March 2022 Monthly Financial Statements
Item 9.3.2	9.3.2.1	April 2022 Monthly Financial Statements
Item 9.3.3	9.3.3.1	Monthly Payments Listing 1 to 30 April 2022
Item 9.3.4	9.3.4.1	Unconfirmed SWG Group Inaugural Meeting Minutes – 22 March 2022
Item 9.3.5	9.3.5.1	SWG – Terms of Reference
	9.3.5.2	Correspondence – Jill Mathwin
	9.3.5.3	Correspondence – Kevin Broom
Item 9.4.1	9.4.1.1	Letter of Application and Plans – P & F Webb – 72 Albany Highway
	9.4.1.2	Landgate map – 72 Albany Highway
	9.4.1.3	Extract from <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>

Confirmed on 21 June 2022 as a true record –

  
\_\_\_\_\_  
Presiding Member

  
\_\_\_\_\_  
Date