

SHIRE OF KOJONUP

Kojonup



MINUTES

Ordinary Council Meeting

20 September 2022

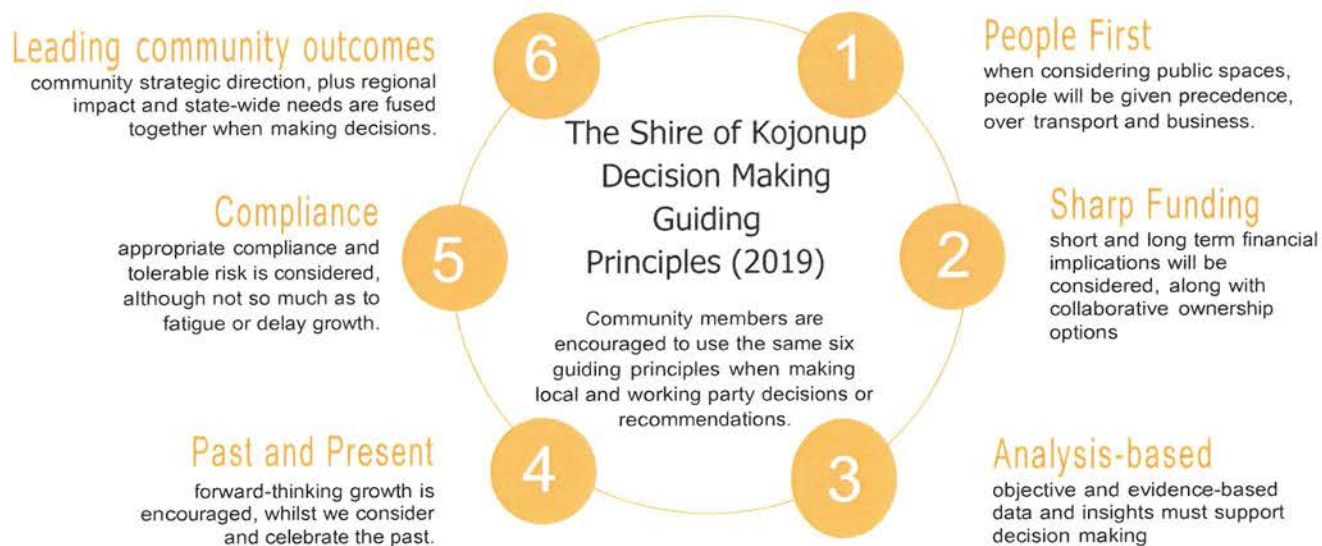
MINUTES OF THE COUNCIL MEETING HELD ON 20 SEPTEMBER 2022

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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 King Charles. Grant to him good health and strength in the executing of his 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**

Nil

3 **ATTENDANCE**

COUNCILLORS

Cr N Radford

Shire President

Cr P Webb

Deputy Shire President

Cr F Webb

Cr Wieringa

Cr Gale

Cr Singh

Cr R Bilney

Cr A Egerton-Warburton

STAFF

Grant Thompson

Chief Executive Officer

Robert Jehu

Manager Regulatory Services

Judy Stewart

Senior Administration Officer

MEMBERS OF THE PUBLIC

Robert Sexton

Chairperson, George Church Community Medical
Centre Inc (GCCMC)

William Harvey

GCCMC

Kevin Broom

GCCMC

3.1 **APOLOGIES**

Nil

3.2 **APPROVED LEAVE OF ABSENCE**

Nil

4 **DECLARATION OF INTEREST**

9.4.1 – Cr Bilney - Moonies Hill Energy Pty Ltd – Assessment of Management Plans and Other Information

5 **PUBLIC QUESTION TIME**

Questions may be submitted using the special email address for Council Meeting Public Question Time being cmpqt@kojonup.wa.gov.au

The Chief Executive Officer will table all correspondence received.

5.1 **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Not applicable

5.2 PUBLIC QUESTION TIME

5.2.1 ROBERT SEXTON, CHAIRPERSON, GEORGE CHURCH COMMUNITY MEDICAL CENTRE INC - STATEMENT

Please see [Attachment 5.2.1](#).

The President advised that the matter of doctor's housing in Kojonup will be presented to Council's October 2022 Ordinary Meeting.

Robert Sexton, William Harvey and Kevin Broom left the meeting at 3.08pm.

6 CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING 16 AUGUST 2022

Minutes of the Ordinary Council Meeting held on 16 August 2022 are at [Attachment 6.1.1](#).

OFFICER RECOMMENDATION/COUNCIL DECISION

92/22 Moved Cr Wieringa

Seconded Cr P Webb

That the Minutes of the Council Meeting held on 16 August 2022 be confirmed as a true record.

CARRIED 8/0

6.2 REVOCATION OF PREVIOUS COUNCIL MOTION 72/22 AND CONFIRMATION OF THE MINUTES OF THE SPECIAL COUNCIL MEETING 2 AUGUST 2022

AUTHOR	Judy Stewart – Senior Administration Officer
DATE	Tuesday, 13 September 2022
FILE NO	GO.CNM.2
ATTACHMENT(S)	<p>6.2.1 – Notice of Motion – revocation of Council Motion 72/22</p> <p>6.2.2 – Minutes of the Special Council Meeting held on 2 August 2022 – as previously presented to and confirmed at the 16 August 2022 Ordinary Council Meeting</p> <p>6.2.3 – Minutes of the Special Council Meeting held on 2 August 2022 – showing corrections</p> <p>6.2.4 – Minutes of the Special Council Meeting held on 2 August 2022 – clean copy</p>

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP – 3 - Performance	3.4 – Be organised and transparent with our financial management.	3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money.

DECLARATION OF INTEREST

Nil

SUMMARY

Council, following a Notice of Motion pursuant to the *Local Government (Administration) Regulations 1996*, to consider the revocation of Council Motion 72/22 to enable corrections as follows:

- replacing references to the document being an agenda with references to the document being minutes;
- addition of the wording ‘BY ABSOLUTE MAJORITY’ between *CARRIED* and *8/0*, within Council Motions 67/22, 68/22, 69/22, and 70/22;
- addition of the wording ‘COUNCIL DECISION’ where Council Motions exist; and
- the addition of ‘2021/22’ after the word ‘from’ within the 4th dot point in Council Motion 70/22

BACKGROUND

At its 16 August 2022 Ordinary Meeting, Council confirmed, as a true record, the Minutes of its Special Meeting held 2 August 2022 wherein the following items were adopted:

- 9.3.1 – Budget Adoption – 2022/2023 Fees and Charges
- 9.3.2 – Budget Adoption – 2022/2023 Property Rates
- 9.3.3. – Budget Adoption – 2022/2023 Rates Incentive Draw
- 9.3.4 – Budget Adoption – 2022/2023 Annual Report

COMMENT

It is a requirement for local governments to provide to the Department of Local Government, Sport and Cultural Industries a copy of its budget and the minute item where its budget has been adopted, by 31 August each year.

It was during the above reporting process that it became evident that the minutes of the meeting, containing the adopted budget items, included the following anomalies:

- References to the document being an agenda;
- Omission of the words 'BY ABSOLUTE MAJORITY' within Council Motions 67/22, 68/22, 69/22 and 70/22;
- Omission of the words 'COUNCIL DECISION' where Council Motions exist; and
- Omission of '2021/22' after the word 'from' within the 4th dot point in Council Motion 70/22.

To correctly record the 2 August 2022 Special Council Meeting's business, it is proposed that Council's previous confirmation of the minutes document requiring the above mentioned changes be revoked and the corrected Minutes document be confirmed as a true record.

CONSULTATION

Chief Executive Officer

STATUTORY REQUIREMENTS

Local Government Act 1995 (Act) – s. 5.25 (1) (e) and (f):

5.25. Regulations about council and committee meetings and committees

(1) Without limiting the generality of section 9.59, regulations may make provision in relation to —

(e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made); and

(f) the content and confirmation of minutes of council or committee meetings and the keeping and preserving of the minutes and any documents relating to meetings;

Local Government (Administration) Regulations 1996 – r.10 provides:

10. Revoking or changing decisions (Act s. 5.25(1)(e))

(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —

(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or

(b) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

(1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the

number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

- (2) *If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.*
- (3) *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

11. Minutes, content of (Act s. 5.25(1)(f))

The content of minutes of a meeting of a council or a committee is to include —

- (c) *details of each motion moved at the meeting, the mover and the outcome of the motion;*

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	Inaccurate recording, maintenance, testing or reconciliation of data.	Policies and Procedures	
Risk rating – Adequate			
IMPLICATIONS			
Correction of records mitigates compliance risk and ensures accuracy of documentation and record keeping for future reference.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

93/22 Moved Cr Radford Seconded Cr P Webb Supported Cr Wieringa

1. That Council, following a Notice of Motion pursuant to r.10 of the *Local Government (Administration) Regulations 1996*, revokes Council Motion 72/22 (being confirmation of the minutes of the Special Council Meeting held 2 August 2022), to enable corrections to be made to those minutes as follows:

- replacing references to the document being an agenda with references to the document being minutes;
- addition of the wording 'BY ABSOLUTE MAJORITY' between *CARRIED* and *8/0*, within Council Motions 67/22, 68/22, 69/22, and 70/22;
- addition of the wording 'COUNCIL DECISION' where Council Motions exist; and
- the addition of '2021/22' after the word 'from' within the 4th dot point in Council Motion 70/22.

2. That the Minutes of the Special Council Meeting held 2 August 2022, corrected as presented, be confirmed as a true record.

CARRIED BY ABSOLUTE MAJORITY 8/0

- 6.3 SPECIAL COUNCIL MEETING 23 AUGUST 2022
Minutes of the Special Council Meeting held on 23 August 2022 are at Attachment 6.3.1.

OFFICER RECOMMENDATION/COUNCIL DECISION

94/22 Moved Cr Egerton-Warburton Seconded Cr P Webb
That the Minutes of a Special Council Meeting held 23 August 2022 be confirmed as a true record.

CARRIED 8/0

- 6.4 SPECIAL COUNCIL MEETING 13 SEPTEMBER 2022
Minutes of the Special Council Meeting held on 13 September 2022 are at Attachment 6.4.1.

OFFICER RECOMMENDATION/COUNCIL DECISION

95/22 Moved Cr Bilney Seconded Cr F Webb
That the Minutes of a Special Council Meeting held 13 September 2022 be confirmed as a true record.

CARRIED 8/0

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 business.

9 REPORTS

9.1 KEY PILLAR 1 – ‘PLACE’ REPORTS

9.1.1 COUNCIL MEETINGS - OPENING PRAYER

AUTHOR	Grant Thompson – Chief Executive Officer
DATE	Thursday, 17 September 2022
FILE NO	
ATTACHMENT(S)	Nil

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
Key Pillar	Community Outcomes	Corporate Actions
KP1 - Place	Kojonup celebrates its diversity for residents and visitors	Have maximised our ‘One Community’ program through specific events, celebration of built form and enhancement of our environment

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is for the Council to consider changing the Council meetings’ opening prayer to create a more succinct and relevant prayer for the meetings.

BACKGROUND

A Council prayer was introduced to the Council agenda in September 2018.

The Council, at a recent briefing session in 2022, requested that the prayer be reviewed with the objective of being succinct and relevant for today’s environment.

COMMENT

After canvassing views on what could be in the prayer, two options were provided to the Chief Executive Officer.

One option was provided by the Anglican Parish, through Cr Ned Radford and Cr Kevin Gale.

This prayer (option 1) reads as follows:

Almighty God, at the opening of this meeting today we thank you for the privilege of serving on this Council.

We ask for guidance, wisdom, and sensitivity in our decision making.

Grant us grace to listen, discern, and engage in meaningful discussion helping us to grow closer as a group in order to nurture the bonds of community.

We ask this in your holy name.

AMEN

Option 2 was created through consultation with several Councillors and reads as follows:

Gracious Lord, We pray for wisdom for our reigning monarch King Charles III. Grant him good health and strength in executing his duties.

We pray for all the Leaders of Australia and ask to Grant them wisdom, so that truth and justice is established for all Australians.

We pray for the safety and welfare of all the people of Kojonup. Grant us the ability to listen and work together with mutual respect for one another.

Amen

Endeavouring to merge the two, make the prayer succinct and relevant, the third advised option is as follows:

Almighty God, we pray for wisdom for our reigning monarch King Charles.

We ask for guidance in our decision making and pray for the welfare of all the people of Kojonup.

Grant us grace to listen and work together as a Council to nurture the bonds of one community.

Amen

CONSULTATION

Councillors

Briefing Session

STATUTORY REQUIREMENTS

Local Government (Council Meetings) Local law 2020

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

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

96/22 Moved Cr Gale

Seconded Cr Wieringa

That Council approves a change to the Meeting Prayer, for all Council meetings, to:

“Almighty God, we pray for wisdom for our reigning monarch King Charles.

We ask for guidance in our decision making and pray for the welfare of all the people of Kojonup.

Grant us grace to listen and work together as a Council to nurture the bonds of one community.

Amen”

CARRIED 8/0

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 (JULY 2022)

AUTHOR	Grant Thompson – Chief Executive Officer
DATE	Friday, 9 September 2022
FILE NO	FM.FNR.2
ATTACHMENT(S)	9.3.1.1 – July 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 July 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 July 2021 represents one (1) month, or 8% of the year.

With the departure of the Manager Corporate and Community Services, Anthony Middleton, in June 2022 it was decided to trial a new reporting template for the monthly financial reports. With the input of Councillors the report will be “fine-tuned” over the coming months.

The following items are worthy of noting:

- Closing surplus position as at 31 July 2022 (\$403,900);
- Annual Budget was not adopted until 2 August 2022;
- \$4,020,972 is held in cash backed reserve accounts;
- Rates not issued prior to 31 July affecting cash flow; and
- Pages 48 – 58 are additional information from the former reports and will allow greater transparency.

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

There are no risk management implications for this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

97/22 Moved Cr P Webb

Seconded Cr Singh

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

CARRIED 8/0

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

AUTHOR	Grant Thompson – Chief Executive Officer
DATE	Friday, 9 September 2022
FILE NO	FM.FNR.2
ATTACHMENT(S)	9.3.2.1 – August 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 August 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 2022 to 31 August 2022 represents two (2) months, or 16% of the year.

The following items are worthy of noting:

- Closing surplus position of \$3.9m;
- Capital expenditure achieved 8.9% of budgeted projects;
- Cash holdings of \$5.77m of which \$4.02 is held in cash backed reserve accounts and \$1.75 is unrestricted cash;
- Rates debtors outstanding equate to 80% of total rates raised for 2022/2023 with the due date being 9 September 2022; and
- Page 11 of the statements detail major variations from year to date (amended) budgets in accordance with Council Policy 2.1.6.

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

98/22 Moved Cr Singh

Seconded Cr Egerton-Warburton

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

CARRIED 8/0

9.3.3 MONTHLY PAYMENTS LISTING – AUGUST 2022

AUTHOR	Vivicka Kahn - Finance and Payroll Officer
DATE	Sunday, 11 September 2022
FILE NO	FM.AUT.1
ATTACHMENT	9.3.3.1 – Monthly Payments Listing 1 to 31 August 2022

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 August 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 Chief Executive Officer 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 made in line with Council Policy.

STRATEGIC/CORPORATE IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT PLAN IMPLICATIONS

There are no asset management implications for this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

99/22 Moved Cr Gale

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 August 2022		TO – 31 August 2022
Municipal Cheques	14344 - 14344	\$1,428.70
EFTs	30596 - 30738	\$808,416.27
Direct Debits		\$421,221.46
Total		\$1,231,066.43

be received.

CARRIED 8/0

9.3.4 ANNUAL MEETING OF ELECTORS HELD 16 AUGUST 2022

AUTHOR	Judy Stewart – Senior Administration Officer
DATE	Tuesday, 30 August 2022
FILE NO	
ATTACHMENT(S)	9.3.4.1– Minutes of the Annual Meeting of Electors held 16 August 2022

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2020-2024”
Key Pillar	Community Outcomes	Corporate Actions
KP 3 - Performance	3.4 – Be organised and transparent with our financial management	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 receive the unconfirmed minutes of the Annual Meeting of Electors held 16 August 2022.

BACKGROUND

An Annual Meeting of Electors must be held within 56 days of adopting an Annual Report that includes Annual Financial Statements.

Council, at its 26 July 2022 Ordinary Meeting, adopted the 2020/2021 Annual Report incorporating the Annual Financial Statements for that year and resolved to hold its Annual Meeting of Electors on 16 August 2022; local public notice was undertaken accordingly.

COMMENT

This item is solely for Council to receive the minutes of its 16 August 2022 Annual Meeting of Electors.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Division 4, Sections 5.26 to 5.33 of the *Local Government Act 1995* - deal with Electors' General Meetings.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 - Failure to Fulfil Compliance Requirements (Statutory/Regulatory)	Failure to correctly identify, interpret, assess, respond and communicate laws and regulations as a result of an inadequate compliance framework	External Audits (compliance)	Nil
Risk rating: Adequate			
IMPLICATIONS			
Presenting minutes of Annual Meetings of Electors at the next available meeting of Council, regardless of whether there are actions to be undertaken or otherwise, ensures Council and the public receive the minutes in a timely manner.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

100/22 Moved Cr F Webb

Seconded Cr Gale

That Council receives the minutes of its Annual Meeting of Electors held 16 August 2022.

CARRIED 8/0

9.3.5 LEASE OF COUNCIL PROPERTY – PART OF LOT 9999 THORNBURY CLOSE, KOJONUP

AUTHOR	Robert Jehu – Manager Regulatory Services
DATE	Friday, 16 September 2022
FILE NO	CP.LEA.1
ATTACHMENT(S)	9.3.5.1 - Map showing relevant sections (C and D) of Lot 9999, Thornbury Close, Kojonup 9.3.5.2 - Simon Klopper – Request to lease property 9.3.5.3 - Stage 2 Industrial Area Subdivision Plan

STRATEGIC/CORPORATE IMPLICATIONS		
"Smart Possibilities – Kojonup 2027+"		"Smart Implementation – Kojonup 2021 +"
Key Pillar	Community Outcomes	Corporate Actions
KP3 - 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.	3.1.1 – Build partnerships with WA recreation, business and tourism. 3.1.7 – Determine responsibilities for all assets and review and update lease conditions where other entities have partial or full responsibility for assets on Council managed land.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to inform the Council of an Expression of Interest for a part lease of Lot 9999 Thornbury Close, Kojonup (sections C and D as shown on Attachment 9.3.5.1 – 5000 square metres each), by Mr Simon Klopper from Klopper Construction.

BACKGROUND

The section of Lot 9999 Thornbury Close, Kojonup (forming part of Certificate of Title Volume 2670/Folio 367 and excluding a north-west corner section currently leased separately until 23 June 2024 with further option to lease) represents approximately 18.8 hectares of undeveloped, industrial land. It is currently leased, as per Council's 15 June 2021 Ordinary Meeting (OM) resolution:

"That a tender from Gary Cavanagh for the amount of \$3850.00 per annum for Lot 9999, Thornbury Close, Kojonup (as per presented map), for a three (3) year period commencing on 24 June 2021 and expiring on 23 June 2024 and for grazing and cropping purposes, be accepted."

COMMENT

Pertinent to this Expression of Interest is that the 18.8ha portion of Lot 9999 Thornbury Close, Kojonup is currently leased to Mr Gary Cavanagh for grazing and cropping purposes. Mr Cavanagh's current lease expires on 23 June 2024.

Klopper Construction has shown interest in leasing sections C and D on the attached map (Attachment 9.3.5.1).

Before the Council is able to lease or sell Shire of Kojonup owned property, it must comply with s.3.58 of the *Local Government Act 1955* Disposing of property (see Statutory Requirements below).

Any disposal of property (including by lease) requires not less than 14 days' public notice.

A Stage 2 Master Plan (Plan), dated 14 August 2017, was prepared for the further development of the Industrial Land for Lot 9999 Thornbury Close, Kojonup. This Plan indicated the continuation of the current road to the South then a turn to the West and looping around to the North to re-join the existing road. This has been surveyed and the Plan is attached (Attachment 9.3.5.3); the two allotments are indicated on the proposed Plan (as Lots 58 and 59).

For Council to consider leasing a portion of this currently leased property to another party, Council would need to terminate the current lease, obtain a sworn valuation for the portion of interest (and the remaining portion if Council wished to re-lease that portion also) and advertise, by Public Notice, any proposed disposal/s or calls for Expressions of Interest. Council could advertise for Expressions of Interest for either or both portions, as referred to above, following a termination of the current lease.

Part of the land in question is currently undergoing a subdivision process. Prior to sale of any land, this process must be completed and titles issued, a process that is anticipated to take between 12 to 18 months. Council is requested to add sections C and D to the Plan.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Local Government Act 1995 s. 3.58:

3.58. Disposing of property

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
- (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
 and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The current lease creates \$3,850.00 per annum in revenue to the Shire.

Cost of adding sections C and D to the subdivision is approximately \$5,000 (Budget item C310).

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risks Description/Cause	Key Controls	Current Action
10 – Management of Facilities, Venues and Events	Lack of Lease/Contract/Agreement/MOU/Licence documentation	Lease agreements for Shire facilities	Develop Lease agreements register for all Shire facilities
Risk Rating: Adequate			
IMPLICATIONS			

Disposal of property, in accordance with legislation, reduces compliance, financial and reputational risk.

ASSET MANAGEMENT IMPLICATIONS

Leasing of this land has historically included maintenance of the land including fire risk reduction.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

101/22 Moved Cr Gale

Seconded Cr P Webb

Council to:

1. approve the addition of Lots 58 and 59 into the Stage 2 subdivision plan for the further development of Lot 9999 Thornbury Close, Kojonup;
2. authorise the Chief Executive Officer to terminate the grazing and cropping lease of the land with the current lessee;
3. in accordance with section 3.58 of the *Local Government Act 1995*, call for Expressions of Interest for the disposal of the parcels of land marked C and D on the map, as presented, by lease with an option to buy when the subdivision has been completed and titles issued; and
4. in accordance with section 3.58 of the *Local Government Act 1995*, advertise the disposal of land by lease of the remaining portion of the land parcel, on the map as presented, commencing the day following the termination date of the current lease to expire on 28 February 2025.

CARRIED 8/0

9.3.6 BUDGET AMENDMENT - REGIONAL ROAD GROUP FUNDING 2022/23

AUTHOR	Craig McVee - Manager Works and Services
DATE	Thursday, 15 September 2022
FILE NO	GS.PRG.9 AND GR.LRL.4
ATTACHMENT(S)	Nil

STRATEGIC/CORPORATE IMPLICATIONS		
"Smart Possibilities – Kojonup 2027+"		"Smart Implementation – Kojonup 2018-2022"
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 consider a budget amendment due to the 2022/23 Regional Road Group (RRG) Programme which has been modified to reflect a total of \$1,191,626 funding becoming available to the region.

BACKGROUND

The 2022/23 Regional Road Group Project Programme has been modified to reflect a total of \$1,191,626 funding available for distribution due to:

1. \$930,282 - Four (4) projects deferred to 2023/24 (City of Albany)
2. \$261,344 - increase in motor vehicle licence fees.

Five projects have already been allocated to utilise a portion of these funds with a total of \$786,333. This leaves a balance of \$405,293 to be redistributed to 2022/23 Reserve projects.

COMMENT

The Shire of Kojonup approached Main Roads WA to submit an application for extra funding for the Jingalup Road widening project. This request is to bring forward the project from 2023/24 to 2022/23.

Proposed changes to 2022/23 budget are:

- Delay Spring Street project of \$54,000
- Delay Boscabel Road Reseal project of \$65,000
- Delay Town Ramps projects of \$20,000
- Utilise \$1,000 from Signage Upgrades (of which there is \$10,000 in the budget).

This will create the 1/3 contribution from Council to fund the Jingalup Road widening project (SLK 0 – 3.6).

State - \$280,000
 Council - \$140,000
Project Total - \$420,000

CONSULTATION

Main Roads WA - Metro and Southern Regions Directorate (Great Southern Region)
 Senior Management Team

STATUTORY REQUIREMENTS

Local Government Act 1995

6.3 Budget for other circumstances

POLICY IMPLICATIONS

2.1.8 Financial Governance

The Shire will make decisions in relation to financial management and financial governance that encompass the following principles:

1. Management of financial risk prudently, having regard to economic circumstances;
2. Examples of financial risks to be managed prudently include the level of debt, commercial activities, community business activities, financial assets and liabilities.

FINANCIAL IMPLICATIONS

State (RRG) 2022/23	\$280,000
Council 2022/23	\$140,000
Jingalup Road Widening Project Total	\$420,000

Council Contribution comprised of:	
Spring Street reseal delayed	\$ 54,000
Boscabel Road reseal delayed	\$ 65,000
Town Ramps delayed	\$ 20,000
Portion of Signage Upgrades delayed	\$ 1,000 (budget of \$10,000)
Total	\$140,000

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
15 - Supplier Contract	<ul style="list-style-type: none"> Limited availability of suppliers 	<ul style="list-style-type: none"> Ongoing reviews of supplier/contractor contract arrangements Regular monitoring of delivery of contracts 	<ul style="list-style-type: none"> Service Interruption Financial
Risk Rating: Adequate			

IMPLICATIONS

The risk of contractor not being able to deliver bitumen due to:

- Bitumen availability
- Weather conditions
- Staff availability

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

102/22 Moved Cr Gale

Seconded Cr Egerton-Warburton

That:

1. Council approve a budget amendment to delay three (3) x construction projects: Spring Street, Boscabel Road, Town Ramps and part Signage (total value \$140,000); and
2. Council funds be allocated towards Jingalup Road widening for 2022/23 being brought forward a year with a 1/3 Council funding contribution of \$140,000.

CARRIED BY ABSOLUTE MAJORITY 8/0

9.3.7 ADMINISTRATION OFFICE, LIBRARY AND DEPOT CLOSURE - 23 SEPTEMBER 2022

AUTHOR	Grant Thompson – Chief Executive Officer
DATE	Friday, 16 September 2022
FILE NO	CM.PRO.1
ATTACHMENT(S)	Nil

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP3 - Performance	3.2 – Be exceptional in two-way communication within our community, and market our brand outside of our community.	3.2.2 - Engage with our residents and industry members through increased use of social media.

DECLARATION OF INTEREST

The author is a Shire of Kojonup employee and, as such, is affected by the outcome of this report.

SUMMARY

To approve the Administration Office, Library and Depot closure on 23 September 2022.

BACKGROUND

In the past, when a public holiday has fallen on either a Thursday or Tuesday, Council has granted closure on the day between the public holiday and weekend.

COMMENT

As Thursday, 22 September 2022 has been declared a nationwide Public Holiday in honor of the passing of Queen Elizabeth 2 and that Monday, 26 September 2022 is also a Public Holiday to observe the Queen’s birthday, there have been numerous requests throughout the Depot and Administration Office for leave on Friday, 23 September 2022 resulting in skeleton staff across both work places.

The Council is requested to close the Administration Office, Library and Depot on Friday, 23 September 2022 as many team members have requested the day off due to the fact that it is inbetween two public holidays. If Council is in agreement, the following would occur and the extra day’s closure would be advertised accordingly:

Thursday, 22 September 2022 - Public Holiday

Friday, 23 September 2022 – Office, Library and Depot closed

Monday, 26 September – Public Holiday

Tuesday, 27 September 2022 - Administration Office, Library, and Depot reopen with officers commencing at usual work times.

Staff will be required to utilise leave accruals which can include:

- annual leave
- rostered days off

- Local Government days
- time in lieu; or
- leave without pay (only by prior arrangement with the Chief Executive Officer [CEO]).

Staff planning to work throughout this period would only do so with the approval of the CEO.

CONSULTATION

Senior Management

STATUTORY REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There would be no financial implications as a result of the extra day's closure as staff will be required to utilise leave accruals which are accounted for in the 2022/2023 Annual Budget.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
5 – Employment Practices	Insufficient staff numbers to achieve objectives	Health and Wellbeing initiatives	Nil
Risk Rating: High			
IMPLICATIONS			
Nil			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

103/22 Moved Cr Gale

Seconded Cr Singh

That approval is granted for:

1. The closure of the Administration Office, Library and Depot on Friday, 23 September 2022 to reopen at usual opening times on Tuesday, 27 September 2022; and
2. That the above mentioned closure be advertised on the Shire of Kojonup website and via local public notice.

CARRIED 7/1

Cr P Webb wished his vote in the negative to be recorded.

Cr Bilney declared a financial interest and left the meeting at 3.30pm.

9.4 KEY PILLAR 4 – ‘PROSPERITY’ REPORT

9.4.1 MOONIES HILL ENERGY PTY LTD – ASSESSMENT OF MANAGEMENT PLANS AND OTHER INFORMATION

AUTHOR	Steve Thompson - Consultant Planner, Edge Planning & Property	
DATE	Friday, 16 September 2022	
FILE NO	BD.BDA.8	
ATTACHMENT(S)	9.4.1.1	Amended conditions of development approval (letter dated 5 October 2021)
	9.4.1.2	Confirmation of remedying electromagnetic interference
	9.4.1.3	Location of concrete batching plant
	9.4.1.4	Landscaping Plan
	9.4.1.5	Staging Plan
	9.4.1.6	Confirmation of airtservices notification letter
	9.4.1.7	Response to request for information 13 September 2022

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
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 and declare a Financial Interest (section 5.70 of the *Local Government Act 1995*).

SUMMARY

Council to consider the approval of various management plans and information submitted to the Shire of Kojonup (Shire).

BACKGROUND

The Council has considered matters relating to the wind farm on various occasions.

The Shire, on 5 October 2021, issued amended conditions of development approval (see Attachment 9.4.1.1).

The applicant has forwarded a number of management plans and documents to address the development conditions. In turn, the Shire has requested additional information on some matters including on noise impacts. Additionally, an independent/peer review is being undertaken by an acoustic consultant on the Noise Impact Mitigation Management Plan.

The development approvals propose 42 wind turbines (7 in the Shire of Kojonup and 35 in the Shire of Broomehill-Tambellup) plus supporting infrastructure and buildings.

The proponents have separately requested approval from the Shire of Broomehill-Tambellup for the management plans to reflect the development approval issued by the Great Southern Joint Development Assessment Panel.

COMMENT

Attachments 9.4.1.1 to 9.4.1.7 include correspondence, management plans and other information from the applicant. In summary:

- The plan, in Attachment 9.4.1.3, showing setbacks between the concrete batching plant and non-stakeholder land boundaries, addresses Condition 12;
- It is suggested the Landscaping Plan, in Attachment 9.4.1.4, be approved (Condition 22);
- The Staging Plan, in Attachment 9.4.1.5, addresses Condition 23;
- The applicant has separately and appropriately addressed conditions 2 and 25; and
- The applicant has separately and appropriately addressed condition 24.

Alternate options and their implications

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

1 Not approve the management plans

The Council can choose to not approve the management plans and advise the proponent giving reasons. If this option were chosen, the applicant would need to produce revisions of the management plan(s) which are not approved which better accord with the requirement of the technical subject matter that the management plan relates to, and Council's decision to not approve would need to be based on a lack of satisfaction that those technical requirements have been met.

2 Approve the management plans

The Council can choose to approve the management plans, in part or whole and/or with or without modifications. There are other management plans which are still in the process of being assessed by the Shire's engaged town planner, which need to also be approved by the Shire before the wind farm proposal can proceed; however, approval of the plans the subject of this report, would be a step forward towards the wind farm proceeding.

3 Defer the proposal

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

There is not a right of merits review of Council's decision to approve or not to approve a Management Plan where it is lodged pursuant to a condition of development approval. However, the rationale for this is that the merits of the acceptability of the development have fundamentally been determined by the grant of the development approval, and what remains by way of Management Plans is an assessment of detail within the confines of specific narrow technical fields. Therefore, a Management Plan should not be refused approval if it appropriately addresses the technical subject matter that it is supposed to address.

CONSULTATION

The Shire has previously consulted on the Development Application.

STATUTORY REQUIREMENTS

Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015.

POLICY IMPLICATIONS

The proposal satisfies the WA Planning Commission Position Statement: Renewable Energy Facilities (March 2020) which replaced the former Planning Bulletin 67 Guidelines for Wind Farm Development (2004).

FINANCIAL IMPLICATIONS

The applicant has paid the Development Application fee.

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
Risk rating: Adequate			
IMPLICATIONS			
Applicants need to ensure that Development Applications accord with the intent of the Shire of Kojonup Town 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

Although the Moonies Hill Energy Pty Ltd wind turbine project is located in two Shires, this request for approving the management plans only relates to turbines located in the Shire of Kojonup. The Shire of Broomehill-Tambellup will separately consider the management plans.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

104/22 Moved Cr Gale

Seconded Cr Egerton-Warburton

That Council:

- 1) Note the correspondence outlined in Attachment 9.4.1.2.
- 2) Note that the plan, outlined in Attachment 9.4.1.3, showing setbacks between the concrete batching plant and non-stakeholder land boundaries addresses Condition 12.
- 3) Approve the Landscaping Plan in Attachment 9.4.1.4 (Condition 22).
- 4) Note that the Staging Plan, outlined in Attachment 9.4.1.5, addresses Condition 23.
- 5) Note that the applicant has separately and appropriately addressed conditions 2 and 25.
- 6) The applicant has separately and appropriately addressed condition 24.
- 7) Note the Shire administration will separately report back to Council on the micro siting (Condition 4), Development Layout Plan (Condition 17) and the Noise Impact Mitigation Management Plan (Condition 21).

Advice Notes:

- A) Advise the Shire of Broomehill-Tambellup of the decision.

CARRIED 7/0

Cr Bilney re-entered the meeting at 3.24pm.

9.5 KEY PILLAR 5 – ‘DIGITAL’ REPORTS

9.5.1 RESERVE 51937 (PURPOSE: TOURIST RAILWAY AND THE KODJA PLACE CULTURAL, HERITAGE AND TOURISM PRECINCT) - MANAGEMENT ORDER

AUTHOR	Robert Jehu – Regulatory Services Manager
DATE	Monday, 12 September 2022
FILE NO	CP.MTC.7
ATTACHMENT(S)	<p>9.5.1.1 – Record of Certificate of Crown Land Title – Lot 508 on Deposited Plan 58138</p> <p>9.5.1.2 – Public Transport Authority response – Shire of Kojonup Management Order for Tourist Railway</p> <p>9.5.1.3 – Management Order – N812617XE</p> <p>9.5.1.4 – Map of Reserve 51937</p> <p>9.5.1.5 – Email re: Management Order - Reserve 51937</p>

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
Key Pillar	Community Outcomes	Corporate Actions
KP5 - Digital	5.4 – Have used technology to become a smart, safe, collaborative and informed region	Nil

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is for the Council to consider requesting the Power to Lease Reserve 51937 (Reserve) and expansion of the purpose of this Reserve (if necessary, for the latter).

BACKGROUND

The Shire opened the Electric Vehicle Charging Point at The Kodja Place on 27 November 2020 in conjunction with Synergy and Gemtek.

This Electric Vehicle Charging Point was managed and operated by the Shire of Kojonup (Shire).

Council moved a motion in February 2022 supporting the EV Charger Project and to lease part of the property under management order to Synergy and supporting Synergy to manage the Electric Vehicle Charging Point as per the following motion:

“6/22

That:

- 1. the Synergy Drive Through Charger project be supported, understanding that it will incur civil works costs, yet to be determined.*
- 2. explicit approval is given to proceed with the Network Connection Application that Synergy requires and the Shire gives in principle agreement to proceed with the project.*
- 3. delegated authority is given to the Chief Executive Officer (CEO) to provide written approval and commitment to the project being delivered, subject to the execution of a Licensing Agreement with Synergy.*
- 4. delegated authority is given to the CEO to negotiate the options, and negotiate the Licensing Agreement and outcomes with Synergy.*
- 5. the Shire of Kojonup’s (Shire) preferred outcome regarding the Shire Owned Charger is that Synergy buy back the charger from the Shire and own and maintain this. Synergy would install an additional 150kW charger.”*

The current Management Order for Reserve 51937 shows the purpose of the Reserve being ‘Tourist Railway and the Kodja Place Cultural, Heritage and Tourism Precinct’, the Responsible Agency for Reserve 51937 is the Public Transport Authority, and the Shire has the Management Order over the land.

Department of Planning, Lands and Heritage (DPLH) approval is required to allow the Shire to lease, to a third party, Reserve 51937.

Officers have established that, prior to providing a Power of Lease to the Shire, the DPLH would require the Responsible Agency’s (Public Transport Authority) approval.

DPLH approval is required for any change of purpose to a Reserve, should the location of the EV Charging Point be considered different to the current purpose, as stated above.

COMMENT

The Shire is required to obtain a Power to Lease Reserve 51937 before entering into any agreement to lease the land.

Officers have been in contact with the PTA, as required by the DPLH, and received the PTA’s consent to request changes to the Management Order for Reserve 51937; namely, the Power to Lease and the expansion of the Reserve’s purpose (if the latter is deemed necessary by the DPLH) – see Attachment 9.1.2.

CONSULTATION

Kelly Sharp, Synergy

Cec Smith, Manager Land Transactions and Tenure, Main Roads WA

Leoni Wedge, A/Manager Commercial & Leasing Activities, Portfolio Land & Property Services (PLPS), Public Transport Authority

CEO Shire of Kojonup

STATUTORY REQUIREMENTS

Local Government Act 1995:

3.54. Reserves under control of local government

- (1) *If land reserved under the Land Administration Act 1997 is vested in or placed under the control and management of a local government, the local government may do anything for the purpose of controlling and managing that land that it could do under section 5 of the Parks and Reserves Act 1895 if it were a Board appointed under that Act to manage and control the land and for that purpose a reference in that section to a by-law is to be read as a reference to a local law.*
- (2) *Subsection (1) is subject to any express provision to the contrary made by an order under the Land Administration Act 1997 in respect of the land.*

[Section 3.54 amended: No. 49 of 2004 s. 74(4).]

Land Administration Act 1997:

46. Care, control and management of reserves

- (1) *The Minister may by order place with any one person or jointly with any 2 or more persons the care, control and management of a reserve for the same purpose as that for which the relevant Crown land is reserved under section 41 and for purposes ancillary or beneficial to that purpose and may in that order subject that care, control and management to such conditions as the Minister specifies.*
- (2) *The Minister may, with the consent of the management body of a reserve and of the holders of any interests within the reserve, by order vary any condition to which the care, control and management of the reserve is subject.*

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	Any advice that is not consistent with legislative requirements or local laws.	Policies and Procedures	Nil
Risk rating - Adequate			
IMPLICATIONS			
Following the correct legislative process ensures the Shire has addressed all requirements necessary to amend the Management Order for Reserve 51937, thus mitigating compliance risk when considering use of the Reserve.			

ASSET MANAGEMENT IMPLICATIONS

Nil

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

105/22 Moved Cr Gale

Seconded Cr P Webb

That Council:

1. Authorises the Chief Executive Officer (CEO) to seek from the Department of Planning, Housing and Lands (DPLH) a Power to Lease (to a third party) Reserve 51937 for a period up to 21 years; and
2. Authorises the CEO to request from the DPLH, if necessary, expansion of the purpose of Reserve 51937 to include the location of Electric Vehicle Charging Station/s.

CARRIED 8/0

10 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL DECISION

106/22 Moved Cr Wieringa Seconded Cr F Webb
That Cr Gale be granted a Leave of Absence for Council's 18 October 2022 Ordinary Meeting.
CARRIED 8/0

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Notice of the following motion was received from Cr Bilney for information to be provided at Council's October 2022 Ordinary Meeting of Council:

Moved Cr Bilney

Seconded Cr

"That the Council request the CEO to present to the October 2022 Council meeting:

1) A detailed review of the transfers both in and out of the Reserve accounts for the previous financial year.

2) A report on how the reserve accounts operation could be enhanced in respect to the following, but not to the exclusion of other issues that appear during the process:

- Council motions regarding contributions.
- Timing of cash movements.
- Monthly reporting of account balances.
- Detail provided in budgeting of reserve account transfers.
- The concept of saving for plant and equipment purchases versus borrowing the capital required at the time of purchase.”

COUNCIL DECISION

Moved Cr Bilney

Seconded Cr Singh

That the Council request the CEO to present to the October 2022 Council meeting:

- 1) A detailed review of the transfers both in and out of the Reserve accounts for the previous financial year.
- 2) A report on how the reserve accounts operation could be enhanced in respect to the following, but not to the exclusion of other issues that appear during the process:
 - Council motions regarding contributions.
 - Timing of cash movements.
 - Monthly reporting of account balances.
 - Detail provided in budgeting of reserve account transfers.
 - The concept of saving for plant and equipment purchases versus borrowing the capital required at the time of purchase.

AMENDMENT TO THE MOTION

107/22 Moved Cr Bilney

Seconded Cr Wieringa

That Point 2 be addressed at Council's November 2022 Ordinary Meeting instead of Council's October 2022 Ordinary Meeting.

CARRIED 8/0

THE AMENDMENT BECAME PART OF THE MOTION AND WAS PUT

108/22 Moved Cr F Webb

Seconded Cr Gale

- 1) That the CEO present to the October 2022 Ordinary Council meeting a detailed review of the transfers both in and out of the Reserve accounts for the previous financial year.
- 2) That the CEO present to the November 2022 Ordinary Council meeting a report on how the reserve accounts operation could be enhanced in respect to the following, but not to the exclusion of other issues that appear during the process:
 - Council motions regarding contributions.
 - Timing of cash movements.
 - Monthly reporting of account balances.
 - Detail provided in budgeting of reserve account transfers.
 - The concept of saving for plant and equipment purchases versus borrowing the capital required at the time of purchase.

CARRIED 8/0

Reason for change to Notice of Motion: To allow officers time to prepare the requested information.

12 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

13.1 RESIGNATION OF CR ROGER BILNEY FROM COUNCIL - *RETRACTED BY CM 14/9/22*

29 NOVEMBER 2022 ORDINARY

The President thanked Cr Roger Bilney for his services to the Shire of Kojonup since his *MEETING* election in October 2021, stating appreciation for his contribution.

14 MEETING CLOSED TO THE PUBLIC

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

Nil

15 CLOSURE

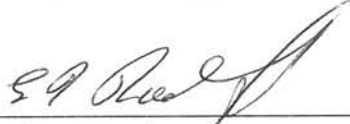
There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 3.56pm.

16 ATTACHMENTS (SEPARATE)

Item 5.2	5.2.1	Statement – Robert Sexton, George Church Community Medical Centre Inc
Item 6.1	6.1.1	Minutes of the Ordinary Council Meeting held on 16 August 2022
Item 6.2	6.2.1	Notice of Motion – revocation of Council Motion 72/22
	6.2.2	Minutes of the Special Council Meeting held on 2 August 2022 – as previously presented to and confirmed at the 16 August 2022 Ordinary Council Meeting
	6.2.3	Minutes of the Special Council Meeting held on 2 August 2022 – showing corrections
	6.2.4	Minutes of the Special Council Meeting held on 2 August 2022 – clean copy
Item 6.3	6.3.1	Minutes of the Special Council Meeting held on 23 August 2022
Item 6.4	6.4.1	Minutes of the Special Council Meeting held on 13 September 2022
Item 9.3.1	9.3.1.1	July 2022 Monthly Financial Statements
Item 9.3.2	9.3.2.1	August 2022 Monthly Financial Statements
Item 9.3.3	9.3.3.1	Monthly Payments Listing 1 to 31 August 2022
Item 9.3.4	9.3.4.1	Minutes of the Annual Meeting of Electors held 16 August 2022
Item 9.3.5	9.3.5.1	Map showing relevant sections (C and D) of Lot 9999, Thornbury Close, Kojonup
	9.3.5.2	Simon Klopper – Request to lease property
	9.3.5.3	Stage 2 Industrial Area Subdivision Plan
Item 9.4.1	9.4.1.1	Amended conditions of development approval (letter dated 5 October 2021)
	9.4.1.2	Confirmation of remedying electromagnetic interference
	9.4.1.3	Location of concrete batching plant
	9.4.1.4	Landscaping Plan
	9.4.1.5	Staging Plan
	9.4.1.6	Confirmation of airtservices notification letter
	9.4.1.7	Response to request for information 13 September 2022
Item 9.5.1	9.5.1.1	Record of Certificate of Crown Land Title – Lot 508 on

- 9.5.1.2 Deposited Plan 58138
Public Transport Authority response – Shire of Kojonup
Management Order for Tourist Railway
- 9.5.1.3 Management Order – N812617XE
- 9.5.1.4 Map of Reserve 51937
- 9.5.1.5 Email re: Management Order - Reserve 51937

Confirmed on 18 October 2022 as a true record –



Presiding Member

24-10-2022
Date